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## STATUTORY INSTRUMENTS

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# 1996 No. 207

## The Jobseeker's Allowance Regulations 1996

### PART II

### JOBSEEKING

#### *Chapter I*

#### *Interpretation*

#### **Interpretation of Parts II, IV and V**

4. In Parts II, IV and V and, as provided below, the Act—

“appropriate office” means the office of the Department for [<sup>F1</sup>Work and Pensions] which the claimant is required to attend in accordance with a notice under regulation 23, or any other place which he is so required to attend;

“caring responsibilities” means responsibility for caring for a child or for an elderly person or for a person whose physical or mental condition requires him to be cared for, who is either in the same household or a close relative;

“casual employment” means employment from which the employee can be released without his giving any notice [<sup>F2</sup>except where otherwise provided];

“close relative” means [<sup>F3</sup>, except in Part IV,] [<sup>F4</sup>a member of a couple], parent, step-parent, grandparent, parent-in-law, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, sister, grandchild [<sup>F5</sup>or if any of the preceding persons is one member of a couple, the other member of that couple];

“elderly person” means a person of or over pensionable age;

“employment” in sections 1, 3, 6, 8, 14<sup>F6</sup> ... and 20 and paragraph 8 of Schedule 1 to the Act and in [<sup>F7</sup>Parts II and IV] means employed earner's employment except where otherwise provided;

“employment officer” means a person who is an employment officer for the purposes of sections 9 and 10 [<sup>F8</sup>, except in regulations 25, 27 and 27A where it means a person who is an employment officer for the purposes of section 8];

[<sup>F2</sup>“examination” in relation to a qualifying course means an examination which is specified as an examination related to the qualifying course in a document signed on behalf of the establishment at which the qualifying course is being undertaken;]

[<sup>F9</sup>“made a claim for a jobseeker's allowance” includes treated as having made a claim for the allowance and treated as having an award of the allowance in accordance with regulation 5, 6 or 7 of the Jobseeker's Allowance (Transitional Provisions) Regulations 1996 ]

“Outward Bound course” means any course or programme for personal development which is made available to persons who are not in employment by the charitable trust known as the Outward Bound Trust Limited;

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“part-time [<sup>F10</sup>member of a fire brigade” means a person who is a part-time member of a fire brigade maintained in pursuance of the Fire Services Acts 1947-1959 <sup>F11</sup>or, in England or Wales, a part-time fire-fighter employed by a fire and rescue authority<sup>F10</sup>fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005 (asp 5)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act<sup>F12</sup>or, in England, a part-time fire-fighter employed by a fire and rescue authority<sup>F13</sup>;

“pattern of availability” has the meaning given in regulation 7;

<sup>F14</sup>“period of study” means—

- (a) the period during which the student is regarded as attending or undertaking the course of study; and
- (b) any period of attendance by the student at his educational establishment or any period of study undertaken by the student, in connection with the course, which occurs before or after the period during which he is to be regarded as undertaking the course of study;]

“a person who is kept on short-time” means a person whose hours of employment have been reduced owing to temporary adverse industrial conditions;

“a person who is laid off” means a person whose employment has been suspended owing to temporary adverse industrial conditions;

<sup>F15</sup>“qualifying course” has the meaning given in regulation 17A;]

<sup>F15</sup>“term-time” in relation to a qualifying course means the period specified as term-time in relation to a person to whom regulation 17A(2) applies in a document signed on behalf of the establishment at which the qualifying course is being undertaken;]

<sup>F15</sup>“vacation” in relation to a qualifying course means any period falling within the period of study, which is not term-time;]

“voluntary work” means work for an organisation the activities of which are carried on otherwise than for profit, or work other than for a member of the claimant’s family, where no payment is received by the claimant or the only payment due to be made to him by virtue of being so engaged is a payment in respect of any expenses reasonably incurred by him in the course of being so engaged;

“week” in sections 6 and 7 and in Parts II and IV means benefit week except where provided otherwise in Parts II and IV;

“work camp” means any place in Great Britain where people come together under the auspices of a charity, a local authority or a voluntary organisation to provide a service of benefit to the community or the environment.

### Textual Amendments

- F1** Words in reg. 4 substituted (14.4.2008) by [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **4(3)**
- F2** Words in reg. 4 inserted (1.6.1998) by [The Social Security Amendment \(New Deal\) Regulations 1998 \(S.I. 1998/1274\)](#), regs. 1(1), **3(a)**
- F3** Words in reg. 4 inserted (28.10.1996) by [The Social Security and Child Support \(Jobseeker’s Allowance\) \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/2538\)](#), regs. 1, **2(3)**
- F4** Words in reg. 4 substituted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, **Sch. 3 para. 26(3)(a)** (with art. 3)

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- F5** Words in reg. 4 substituted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 26(3)(b)** (with art. 3)
- F6** Word in reg. 4 omitted (5.1.1998) by virtue of The Social Security Amendment (New Deal) Regulations 1997 (S.I. 1997/2863), regs. 1(1), **3(a)**
- F7** Words in reg. 4 substituted (5.1.1998) by The Social Security Amendment (New Deal) Regulations 1997 (S.I. 1997/2863), regs. 1(1), **3(b)**
- F8** Words in reg. 4 inserted (6.4.2010) by The Jobseeker's Allowance (Sanctions for Failure to Attend) Regulations 2010 (S.I. 2010/509), regs. 1(2), **2(2)**
- F9** Words in reg. 4 inserted (1.6.1998) by The Social Security Amendment (New Deal) Regulations 1998 (S.I. 1998/1274), regs. 1(1), **3(b)**
- F10** Words in reg. 4 substituted (S.) (2.8.2005) by The Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), art. 1(2)(f), **Sch. para. 10(2)**
- F11** Words in reg. 4 inserted (W.) (25.10.2005) by The Fire and Rescue Services Act 2004 (Consequential Amendments) (Wales) Order 2005 (S.I. 2005/2929), arts. 1(1), **36(2)**
- F12** Words in reg. 4 inserted (E.) (30.12.2004) by The Fire and Rescue Services Act 2004 (Consequential Amendments) (England) Order 2004 (S.I. 2004/3168), arts. 1(1), **36(2)**
- F13** 1947 c.41, 1951 c.27, and 1959 c.44.
- F14** Words in reg. 4 substituted (31.7.2000) by The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), **6(3)**
- F15** Words in reg. 4 inserted (1.6.1998) by The Social Security Amendment (New Deal) Regulations 1998 (S.I. 1998/1274), regs. 1(1), **3(c)**

Chapter II

Availability for Employment

**Exceptions to requirement to be available immediately: carers, voluntary workers, persons providing a service and persons under an obligation to provide notice**

5.—<sup>F16</sup>(1) [<sup>F17</sup>Subject to paragraph (1A),] in order to be regarded as available for employment—  
<sup>F18</sup>(a) . . . . .

- (b) a person who is engaged in voluntary work [<sup>F19</sup>or who has caring responsibilities] is not required to be able to take up employment immediately, providing he is willing and able—
  - (i) to take up employment on being given one week's notice; and
  - (ii) to attend for interview in connection with the opportunity of any such employment on being given 48 hours' notice.]

<sup>F20</sup>(1A) In order to be regarded as available for employment, a person who has caring responsibilities in relation to a child is not required to take up employment or attend for interview within the periods referred to in paragraph (1) if those responsibilities make it unreasonable for him to do so, providing he is willing and able—

- (a) to take up employment on being given 28 days notice; and
- (b) to attend for interview in connection with the opportunity of any such employment on being given 7 days notice.

(1B) For the purposes of paragraph (1A), it is for the claimant to show that it is unreasonable for him to take up employment or attend for interview within the periods referred to in paragraph (1). ]

(2) In order to be regarded as available for employment, a person who is engaged, whether by contract or otherwise, in providing a service with or without remuneration, other than a person who has caring responsibilities or who is engaged in voluntary work, is not required to be able to take up

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employment immediately, providing he is willing and able to take up employment on being given 24 hours' notice.

(3) In order to be regarded as available for employment, a person who is in employed earner's employment and is not engaged in remunerative work and who is required by [F21]section 86 of the Employment Rights Act 1996] to give notice to terminate his contract is not required to be able to take up employment immediately, providing he is willing and able to take up employment immediately he is able to do so in accordance with his statutory obligations.

(4) Where in accordance with regulation 7, 13[F22, 13A] or 17 a person is only available for employment at certain times, he is not required to be able to take up employment at a time at which he is not available, but he must be willing and able to take up employment immediately he is available.

(5) Where in accordance with paragraph [F23(1), (1A) or (2)] a person is not required to be able to take up employment immediately, the F24 ... periods referred to in those paragraphs include periods when in accordance with regulation 7[F25, 13 or 13A] he is not available.

[F26(6) In this regulation "week" means any period of seven consecutive days.]

#### Textual Amendments

- F16** Reg. 5(1) substituted (1.1.2003) by The Jobseeker's Allowance (Amendment) Regulations 2002 (S.I. 2002/3072), regs. 1(b), **3(a)**
- F17** Words in reg. 5(1) inserted (24.11.2008) by The Social Security (Lone Parents and Miscellaneous Amendments) Regulations 2008 (S.I. 2008/3051), regs. 1(2), **11(2)(a)** (with reg. 13)
- F18** Reg. 5(1)(a) omitted (30.5.2006) by virtue of The Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2006 (S.I. 2006/1402), regs. 1, **2(2)(a)**
- F19** Words in reg. 5(1)(b) inserted (30.5.2006) by The Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2006 (S.I. 2006/1402), regs. 1, **2(2)(b)**
- F20** Reg. 5(1A)(1B) inserted (24.11.2008) by The Social Security (Lone Parents and Miscellaneous Amendments) Regulations 2008 (S.I. 2008/3051), regs. 1(2), **11(2)(b)** (with reg. 13)
- F21** Words in reg. 5(3) substituted (1.10.2007) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2007 (S.I. 2007/2618), regs. 1(1), **8(3)**
- F22** Word in reg. 5(4) inserted (26.4.2010) by The Jobseeker's Allowance (Lone Parents) (Availability for Work) Regulations 2010 (S.I. 2010/837), regs. 1(2), **2(2)(a)**
- F23** Words in reg. 5(5) substituted (24.11.2008) by The Social Security (Lone Parents and Miscellaneous Amendments) Regulations 2008 (S.I. 2008/3051), regs. 1(2), **11(2)(c)(i)** (with reg. 13)
- F24** Words in reg. 5(5) omitted (24.11.2008) by virtue of The Social Security (Lone Parents and Miscellaneous Amendments) Regulations 2008 (S.I. 2008/3051), regs. 1(2), **11(2)(c)(ii)** (with reg. 13)
- F25** Words in reg. 5(5) substituted (26.4.2010) by The Jobseeker's Allowance (Lone Parents) (Availability for Work) Regulations 2010 (S.I. 2010/837), regs. 1(2), **2(2)(b)**
- F26** Reg. 5(6) inserted (1.1.2003) by The Jobseeker's Allowance (Amendment) Regulations 2002 (S.I. 2002/3072), regs. 1(b), **3(c)**

#### Employment of at least 40 hours per week

6.—(1) In order to be regarded as available for employment, a person must be willing and able to take up employment of at least 40 hours per week, unless he has restricted his availability in accordance with paragraph [F27(3), (3A) or (4)] of regulation [F28]13, regulation 13A or] paragraph (2) of regulation 17 or two or more of those provisions.

(2) In order to be regarded as available for employment, a person must be willing and able to take up employment of less than 40 hours per week but not for a greater number of hours per week than

the number for which he is available in accordance with paragraph [F27(3), (3A) or (4)] of regulation [F28 13, regulation 13A or] paragraph (2) of regulation 17 or two or more of those provisions.

#### Textual Amendments

- F27** Words in [reg. 6](#) substituted (24.11.2008) by [The Social Security \(Lone Parents and Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/3051\)](#), regs. 1(2), **11(3)** (with [reg. 13](#))
- F28** Words in [reg. 6](#) substituted (26.4.2010) by [The Jobseeker's Allowance \(Lone Parents\) \(Availability for Work\) Regulations 2010 \(S.I. 2010/837\)](#), regs. 1(2), **2(3)**

#### Restriction of hours for which a person is available to 40 hours per week

7.—(1) Except as provided in [F29 regulations 13, 13A and 17(2)], a person may not restrict the total number of hours for which he is available for employment to less than 40 hours in any week.

(2) A person may restrict the total number of hours for which he is available for employment in any week to 40 hours or more providing

- (a) the times at which he is available to take up employment (his "pattern of availability") are such as to afford him reasonable prospects of securing employment;
- (b) his pattern of availability is recorded in his jobseeker's agreement and any variations in that pattern are recorded in a varied agreement and
- (c) his prospects of securing employment are not reduced considerably by the restriction imposed by his pattern of availability.

(3) A person who has restricted the total number of hours for which he is available in accordance with paragraph (2) and who is not available for employment, and is not to be treated as available for employment in accordance with regulation 14, for one day or more in a week in accordance with his pattern of availability shall not be regarded as available for employment even if he was available for employment for a total of 40 hours or more during that week.

#### Textual Amendments

- F29** Words in [reg. 7\(1\)](#) substituted (26.4.2010) by [The Jobseeker's Allowance \(Lone Parents\) \(Availability for Work\) Regulations 2010 \(S.I. 2010/837\)](#), regs. 1(2), **2(4)**

#### Other restrictions on availability

8. Subject to regulations 6, 7 and 9, any person may restrict his availability for employment by placing restrictions on the nature of the employment for which he is available, the terms or conditions of employment for which he is available (including the rate of remuneration) and the locality or localities within which he is available, providing he can show that he has reasonable prospects of securing employment notwithstanding those restrictions and any restrictions on his availability in accordance with regulations 7(2), [F30 13(2), (3), (3A) or (4)][F31, 13A] or 17(2).

#### Textual Amendments

- F30** Words in [reg. 8](#) substituted (24.11.2008) by [The Social Security \(Lone Parents and Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/3051\)](#), regs. 1(2), **11(4)** (with [reg. 13](#))
- F31** Word in [reg. 8](#) inserted (26.4.2010) by [The Jobseeker's Allowance \(Lone Parents\) \(Availability for Work\) Regulations 2010 \(S.I. 2010/837\)](#), regs. 1(2), **2(5)**

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### **No restrictions on pay after six months**

**9.** After the expiry of the six month period beginning with the date of claim, a person may not restrict his availability for employment by placing restrictions on the level of remuneration in employment for which he is available.

### **Reasonable prospects of employment**

**10.**—(1) For the purposes of regulations 7 and 8 and paragraphs (2) and (4) of regulation 13, in deciding whether a person has reasonable prospects of securing employment, regard shall be had, in particular, to the following matters—

- (a) his skills, qualifications and experience;
- (b) the type and number of vacancies within daily travelling distance from his home;
- (c) the length of time for which he has been unemployed;
- (d) the job applications which he has made and their outcome;
- (e) if he wishes to place restrictions on the nature of the employment for which he is available, whether he is willing to move home to take up employment.

(2) It shall be for the claimant to show that he has reasonable prospects of securing employment if he wishes to restrict his availability in accordance with regulation 7 or 8 or paragraph (2) or (4) of regulation 13.

### **Part-time students**

**11.**—(1) If in any week a person is a part-time student and

- (a) he falls within paragraph (2)
- (b) he has restricted the total number of hours for which he is available in accordance with regulation 7(2), [F32]13(3), (3A) or (4)[F33], 13A] or 17(2); and
- (c) the hours of his course of study fall in whole or in part within his pattern of availability, in determining whether he is available for employment no matter relating to his course of study shall be relevant providing he is willing and able to re-arrange the hours of his course in order to take up employment at times falling within his pattern of availability, to take up such employment immediately or, if he falls within paragraph [F34](1), (1A), (2) or (3)] of regulation 5, at the time specified in that paragraph and providing he complies with the requirements of regulation 6.

(2) A person falls within this paragraph if

- (a) for a continuous period of not less than 3 months falling immediately before the date on which he first attended the course of study he was in receipt of jobseeker's allowance[F35], incapacity benefit or employment and support allowance] or was on a course of training or he was in receipt of income support and he fell within paragraph 7 of Schedule 1B to the Income Support Regulations F36 or
- (b) during the period of 6 months falling immediately before the date on which he first attended the course of study he was
  - (i) for a period, or periods in the aggregate, of not less than 3 months in receipt of jobseeker's allowance[F35], incapacity benefit or employment and support allowance] or on a course of training or he was in receipt of income support and he fell within paragraph 7 of Schedule 1B to the Income Support Regulations and
  - (ii) after the period referred to in (i), or in the case of periods in the aggregate, after the first such period and throughout the remainder of the 6 months for which that

sub-paragraph did not apply to him, engaged in remunerative work or other work the emoluments of which are such as to disentitle him from receipt of jobseeker's allowance<sup>[F35]</sup>, incapacity benefit or employment and support allowance] or from receipt of income support which would have been payable because he fell within paragraph 7 of Schedule 1B to the Income Support Regulations

and the period of 3 months referred to in sub-paragraph (i) or, as the case may be, the period of 6 months referred to in sub-paragraph (ii), fell wholly after the terminal date.

(3) In this regulation, "training" means training for which persons aged under 18 are eligible and for which persons aged 18 to 24 may be eligible <sup>[F37]</sup>secured in England and Wales by the Learning and Skills Council for England or by the <sup>[F38]</sup>Welsh Ministers], and, in Scotland, provided] directly or indirectly by a Local Enterprise Company pursuant to its arrangement with, as the case may be, <sup>[F39]</sup>Skills Development Scotland,] Scottish Enterprise or Highlands and Islands Enterprise (whether that arrangement is known as an Operating Contract or by any other name).

#### Textual Amendments

- F32** Words in reg. 11(1)(b) substituted (24.11.2008) by [The Social Security \(Lone Parents and Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/3051\)](#), regs. 1(2), **11(5)(a)** (with reg. 13)
- F33** Word in reg. 11(1)(b) inserted (26.4.2010) by [The Jobseeker's Allowance \(Lone Parents\) \(Availability for Work\) Regulations 2010 \(S.I. 2010/837\)](#), regs. 1(2), **2(6)**
- F34** Words in reg. 11(1) substituted (24.11.2008) by [The Social Security \(Lone Parents and Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/3051\)](#), regs. 1(2), **11(5)(b)** (with reg. 13)
- F35** Words in reg. 11(2) substituted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **3(3)**
- F36** Schedule 1B was inserted by regulation 3 of and Schedule 1 to the [Income Support \(General\) \(Jobseeker's Allowance Consequential Amendments\) Regulations 1996, S.I. 1996/206](#).
- F37** Words in reg. 11(3) substituted (26.3.2001) by [The Jobseeker's Allowance \(Amendment\) Regulations 2001 \(S.I. 2001/1434\)](#), regs. 1(2), **2(3)**
- F38** Words in reg. 11(3) substituted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **3(3)**
- F39** Words in reg. 11(3) inserted (6.4.2009) by [The Social Security \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/583\)](#), regs. 1(2), **4(3)(b)**

#### Volunteers

- <sup>[F40]</sup>**12.**—(1) Paragraph (2) applies if in any week a person is engaged in voluntary work and—
- he has restricted the total number of hours for which he is available in accordance with regulation 7(2), <sup>[F41]</sup>13(3), (3A) or (4)<sup>[F42]</sup>, 13A] or 17(2); and
  - the hours in which he is engaged in voluntary work fall in whole or in part within his pattern of availability.

(2) In determining whether a person to whom this paragraph applies is available for employment no matter relating to his voluntary work shall be relevant providing—

- on being given one week's notice, he is willing and able to re-arrange the hours in which he is engaged in voluntary work in order to take up employment at times falling within his pattern of availability; and
- on being given 48 hours' notice, he is willing and able to re-arrange the hours in which he is engaged in voluntary work in order to attend for interview at times falling within his pattern of availability in connection with the opportunity of any such employment; and
- he complies with the requirements of regulation 6.

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(3) In paragraph (2) “week” means any period of seven consecutive days.]

#### Textual Amendments

- F40** Reg. 12 substituted (1.1.2003) by [The Jobseeker's Allowance \(Amendment\) Regulations 2002 \(S.I. 2002/3072\)](#), regs. 1(b), 4
- F41** Words in reg. 12(1)(a) substituted (24.11.2008) by [The Social Security \(Lone Parents and Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/3051\)](#), regs. 1(2), **11(6)** (with reg. 13)
- F42** Word in reg. 12(1)(a) inserted (26.4.2010) by [The Jobseeker's Allowance \(Lone Parents\) \(Availability for Work\) Regulations 2010 \(S.I. 2010/837\)](#), regs. 1(2), **2(7)**

#### Additional restrictions on availability for certain groups

**13.**—(1) In any week a person may restrict his availability for employment in the following ways, if the circumstances set out apply.

(2) Subject to regulations 6, 7 and 9, a person may impose restrictions on the nature of the employment for which he is available by reason of a sincerely held religious belief, or a sincerely held conscientious objection providing he can show that he has reasonable prospects of employment notwithstanding those restrictions and any restrictions on his availability in accordance with regulation 7(2), 8, paragraph [<sup>F43</sup>(3), (3A) or (4)] of this regulation[<sup>F44</sup>, regulation 13A or ] regulation 17(1) or (2).

(3) A person may restrict his availability in any way providing the restrictions are reasonable in the light of his physical or mental condition.

[<sup>F45</sup>(3A) A person who has caring responsibilities in relation to a child and who—

- (a) is the subject of a parenting order concerning that child under section 8 of the Crime and Disorder Act 1998, section 20 of the Anti-social Behaviour Act 2003 (“the 2003 Act”), or in relation to Scotland, under section 102 of the Antisocial Behaviour etc. (Scotland) Act 2004, or
- (b) has entered into a parenting contract concerning that child under section 19 of the 2003 Act,

may restrict his availability in any way providing the restrictions are reasonable in the light of the terms of the order or contract.]

(4) A person with caring responsibilities may restrict the total number of hours for which he is available for employment to less than 40 hours in any week providing

- (a) in that week he is available for employment for as many hours as his caring responsibilities allow and for the specific hours that those responsibilities allow and
- (b) he has reasonable prospects of securing employment notwithstanding that restriction and
- (c) he is available for employment of at least 16 hours in that week.

(5) In deciding whether a person satisfies the conditions in paragraph (4)(a), regard shall be had, in particular, to the following matters—

- (a) the particular hours and days spent in caring;
- (b) whether the caring responsibilities are shared with another person;
- (c) the age and physical and mental condition of the person being cared for.

[<sup>F46</sup>(6) This paragraph applies to a person who has caring responsibilities in relation to a child if an employment officer determines that, due to the type and number of employment vacancies within daily travelling distance of the person's home, he would not satisfy the condition in paragraph (4)(b).



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(7) Paragraph (4) has effect in relation to a person to whom paragraph (6) applies as if subparagraph (b) were omitted.]

#### Textual Amendments

- F43** Words in [reg. 13\(2\)](#) substituted (24.11.2008) by [The Social Security \(Lone Parents and Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/3051\)](#), [regs. 1\(2\)](#), [11\(7\)\(a\)](#) (with [reg. 13](#))
- F44** Words in [reg. 13\(2\)](#) inserted (26.4.2010) by [The Jobseeker's Allowance \(Lone Parents\) \(Availability for Work\) Regulations 2010 \(S.I. 2010/837\)](#), [regs. 1\(2\)](#), [2\(8\)](#)
- F45** [Reg. 13\(3A\)](#) inserted (24.11.2008) by [The Social Security \(Lone Parents and Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/3051\)](#), [regs. 1\(2\)](#), [11\(7\)\(b\)](#) (with [reg. 13](#))
- F46** [Reg. 13\(6\)\(7\)](#) inserted (24.11.2008) by [The Social Security \(Lone Parents and Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/3051\)](#), [regs. 1\(2\)](#), [11\(7\)\(c\)](#) (with [reg. 13](#))

#### [<sup>F47</sup> Additional restrictions on availability for lone parents

**13A.** A lone parent who in any week is responsible for, and a member of the same household as, a child under the age of 13 may restrict his availability for employment to the child's normal school hours.]

#### Textual Amendments

- F47** [Reg. 13A](#) inserted (26.4.2010) by [The Jobseeker's Allowance \(Lone Parents\) \(Availability for Work\) Regulations 2010 \(S.I. 2010/837\)](#), [regs. 1\(2\)](#), [2\(9\)](#)

#### Circumstances in which a person is to be treated as available

**14.—(1)** A person, other than one [<sup>F48</sup>to whom regulation [<sup>F49</sup>15(1)(a)], (b)[<sup>F50</sup>, (bc)] or (c) applies,] shall be treated as available for employment in the following circumstances for as long as those circumstances apply, subject to [<sup>F51</sup>paragraph (2B) and to] any maximum period specified in this paragraph—

- (a) notwithstanding regulation 15(a), if he is participating as a full-time student in an employment-related course where participation by him has been approved before the course started by an employment officer, for a maximum of 2 weeks and one such course in any period of 12 months;
- (b) if he is attending a residential work camp, for a maximum of 2 weeks and one such occasion in any period of 12 months;
- (c) if he is temporarily absent from Great Britain because he is taking a member of his family who is a child or young person abroad for treatment, for a maximum of 8 weeks;
- (d) if he is engaged in the manning or launching of a lifeboat or in the performance of duty as a part-time member of a fire brigade or engaged during an emergency in duties for the benefit of others;
- (e) if he is a member of a couple and is looking after a member of his family who is a child while the other member is temporarily absent from the United Kingdom, for a maximum of 8 weeks;
- (f) if he is following an Open University course and is attending, as a requirement of that course, a residential course, for a maximum of one week per course;

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- (g) if he is temporarily looking after a child full-time because the person who normally looks after the child is ill or temporarily absent from home or the person is looking after a member of the family who is ill, for a maximum of 8 weeks;
- (h) if he has been discharged from detention in a prison, remand centre or youth custody institution, for one week commencing with the date of his discharge;
- [<sup>F52</sup>(i) if the period beginning on the date of claim and ending on the day before the beginning of the first week after the date of claim is less than 7 days and the circumstances in paragraph (2A) apply, for any part of that period when he is not treated as available for employment under any other provision of this regulation;]
- [<sup>F53</sup>(j) if the award is terminated other than on the last day of a week, for the period beginning with the beginning of the week in which the award is terminated and ending on the day on which the award is terminated;]
- (k) notwithstanding regulation 15(a), if he is participating in a programme provided by the Venture Trust in pursuance of an arrangement made by [<sup>F54</sup>the Scottish Ministers], for a maximum of 4 weeks and one such programme in any period of 12 months;
- (l) if he is treated as capable of work [<sup>F55</sup>or as not having limited capability for work] in accordance with regulation 55, for the period determined in accordance with that regulation;
- [<sup>F56</sup>(ll) if he is treated as capable of work [<sup>F55</sup>or as not having limited capability for work] in accordance with regulation 55A, for the period determined in accordance with that regulation;]
- (m) if he is temporarily absent from Great Britain to attend an interview for employment and has given notice to an employment officer, in writing if so required by the employment officer, that he will be so absent for a maximum of one week;
- (n) if he is a member of a couple [<sup>F57</sup>other than a joint-claim couple] and he and his partner are both absent from Great Britain and a premium referred to in paragraph 10, 11, 12, 13 or 15 of Schedule 1 (applicable amounts) is applicable in respect of his partner, for a maximum of 4 weeks.
- [<sup>F58</sup>(mn) if he is a member of a joint-claim couple and he and his partner are both absent from Great Britain and a premium referred to in paragraph 20E, 20F, 20G or 20I of Schedule 1 (applicable amounts) is applicable in respect of his partner, for a maximum of 4 weeks;]
- [<sup>F59</sup>(o) if
  - (i) he is available for employment, or is treated as such, on the day he makes his claim for a jobseeker's allowance; and
  - (ii) the Secretary of State has directed that the prescribed time for claiming a jobseeker's allowance be extended under regulation 19(6) of the Claims and Payments Regulations where the circumstances specified in regulation 19(7)(d) of those Regulations applied in relation to an entitlement to incapacity benefit[<sup>F60</sup>, employment and support allowance] or an entitlement to income support by virtue of paragraph 7 of Schedule 1B to the Income Support Regulations,
 for the period of that extension.]
- [<sup>F61</sup>(p) if he is temporarily absent from Great Britain in the circumstances prescribed in regulation 50(6B)(a) or (c), for the period of any such temporary absence.]
- [<sup>F62</sup>(q) if he is temporarily absent from Great Britain in the circumstances prescribed in regulation 50(6AA) or, as the case may be, (6C).]
- [<sup>F63</sup>(r) if he is required to attend a court or tribunal as a justice of the peace, a party to any proceedings, a witness or a juror;

- (s) if, for a maximum of 96 hours before being released, he is in—
- (i) police detention within the meaning in section 118(2) of the Police and Criminal Evidence Act 1984 (general interpretation), or
  - (ii) legal custody within the meaning in section 295 of the Criminal Procedure (Scotland) Act 1995 (legal custody in Scotland) but is not a prisoner as defined by regulation 85(4) (special cases).]
- [<sup>F64</sup>(t) he is looking after a child for whom he has caring responsibilities during the child's school holidays or another similar vacation period and it would be unreasonable for him to make other arrangements for the care of that child;
- (u) he is looking after a child for whom he has caring responsibilities at a time when the child—
- (i) is excluded from school or another educational establishment, and
  - (ii) is not receiving education pursuant to arrangements made by a local education authority or (in Scotland) an education authority, and
- there are no other arrangements for the care of that child it would be reasonable for him to make]
- (2) [<sup>F65</sup>Subject to paragraph (2ZB),] a person, other than one to whom regulation 15 applies, shall be treated as available for employment in the following circumstances—
- (a) if there is a death or serious illness of a close relative or close friend of his;
  - (b) if there is a domestic emergency affecting him or a close relative or close friend of his;
  - (c) if there is a funeral of a close relative or close friend of his;
  - (d) if he has caring responsibilities and the person being cared for has died;
- for the time required to deal with the emergency or other circumstance and for a maximum of one week on the occurrence of any of the circumstances set out in sub-paragraphs (a) to (d), or any combination of those circumstances, and on no more than 4 such periods in any period of 12 months.
- [<sup>F66</sup>(2ZA) A person who has caring responsibilities in relation to a child may be treated as available for employment for more than one week, but for no more than 8 weeks, on the occurrence of any of the circumstances set out in paragraph (2)(a) or (b), or any combination of those circumstances, but on no more than one occasion in any period of 12 months.
- (2ZB) Where a claimant has been treated as available for employment under paragraph (2ZA) in any period of 12 months, the first week in which he is so treated shall count towards the 4 periods allowable under paragraph (2).]
- [<sup>F67</sup>(2A) A person shall be treated as available for employment under paragraph (1)(i) only if—
- (a) where a pattern of availability is recorded in his jobseeker's agreement, or where he has restricted the hours for which he is available in accordance with regulations [<sup>F68</sup>13(3), (3A) or (4)] [<sup>F69</sup>, 13A] or 17(2) and that restriction has been agreed with an employment officer, he is available for employment during such of the period referred to in paragraph (1)(i) as he is not treated as available for employment under any other provision of this regulation, in accordance with—
- (i) his pattern of availability or, as the case may be, the hours to which he has restricted his availability in accordance with regulations [<sup>F68</sup>13(3), (3A) or (4)] [<sup>F69</sup>, 13A] or 17(2), and
  - (ii) any other restrictions he has placed on his availability for employment which will apply in the first week after the date of claim, provided those restrictions have been agreed with an employment officer, and

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- (iii) if he falls within regulation 5, that regulation;
- (b) where no pattern of availability is recorded in his jobseeker's agreement, he is available for employment during such of the period referred to in paragraph (1)(i) as he is not treated as available for employment under any other provision of this regulation—
  - (i) in accordance with any restrictions he has placed on his availability for employment which will apply in the first week after the date of claim, provided those restrictions have been agreed with an employment officer, and
  - (ii) for 8 hours on each day falling within that period on which he is not treated as available for employment to any extent under any other provision of this regulation, and
  - (iii) if he falls within regulation 5, in accordance with that regulation.]

[<sup>F70</sup>(2B) A person shall not be treated as available for employment under paragraph (1)(r)—

- (a) for more than eight weeks,
- (b) where he does not, before the period during which he is required to attend the court or tribunal, give an employment officer notice, in writing where requested by the employment officer, that he is so required, or
- (c) where he is a prisoner as defined by regulation 85(4) (special cases).]

(3) If any of the circumstances set out in paragraph (1), except those in sub-paragraphs (i) and (j), or any of those set out in paragraph (2) apply to a person for part of a week, he shall for the purposes of regulation 7(1) be treated as available for 8 hours on any day on which those circumstances applied subject to the maximum specified in paragraph (1) or (2), unless he has restricted the total number of hours for which he is available in a week in accordance with regulation 7(2), [<sup>F71</sup>13(4)] or 17(2). If he has so restricted the total number of hours for which he is available, he shall, for the purposes of regulation [<sup>F71</sup>7(1), 13(4) or 17(2)], be treated as available for the number of hours for which he would be available on that day in accordance with his pattern of availability recorded in his jobseeker's agreement, if any of the circumstances set out in paragraph (1) except those in sub-paragraphs (i) and (j) or any of those set out in paragraph (2) applied on that day, subject to the maximum specified in paragraph (1) or (2).

(4) In paragraph (1)(c), "treatment" means treatment for a disease or bodily or mental disablement by or under the supervision of a person qualified to provide medical treatment, physiotherapy or a form of treatment which is similar to, or related to, either of those forms of treatment.

(5) For the purposes of paragraph (1)(d),

- (a) a person is engaged in duties for the benefit of others while—
  - (i) providing assistance to any person whose life may be endangered or who may be exposed to the risk of serious bodily injury or whose health may be seriously impaired,
  - (ii) protecting property of substantial value from imminent risk of serious damage or destruction, or
  - (iii) assisting in measures being taken to prevent a serious threat to the health of the people,

as a member of a group of persons organised wholly or partly for the purpose of providing such assistance or, as the case may be, protection;

- (b) events which may give rise to an emergency include—
  - (i) a fire, a flood or an explosion,
  - (ii) a natural catastrophe,

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- (iii) a railway or other transport accident,
- (iv) a cave or mountain accident,
- (v) an accident at sea,
- (vi) a person being reported missing and the organisation of a search for that person.

(6) In paragraph (1), except in sub-paragraphs (i) and (j), and in paragraph (2), "week" means any period of 7 consecutive days.

[<sup>F72</sup>(7) In this regulation, "tribunal" means any tribunal listed in Schedule 1 to the Tribunals and Inquiries Act 1992.]

### Textual Amendments

- F48** Words in reg. 14(1) substituted (11.3.1997) by The Social Security (Jobseekers Allowance and Mariners Benefits) (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/563), regs. 1(1), **2(2)**
- F49** Word in reg. 14(1) substituted (9.7.2008) by The Social Security (Students Responsible for Children or Young Persons) Amendment Regulations 2008 (S.I. 2008/1826), regs. 1, **3(5)**
- F50** Word in reg. 14(1) inserted (30.5.2006) by The Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2006 (S.I. 2006/1402), regs. 1, **2(3)(a)(i)**
- F51** Words in reg. 14(1) inserted (30.5.2006) by The Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2006 (S.I. 2006/1402), regs. 1, **2(3)(a)(ii)**
- F52** Reg. 14(1)(i) substituted (11.3.1997) by The Social Security (Jobseekers Allowance and Mariners Benefits) (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/563), regs. 1(1), **2(3)**
- F53** Reg. 14(1)(j) substituted (7.10.1996) by The Jobseeker's Allowance and Income Support (General) (Amendment) Regulations 1996 (S.I. 1996/1517), regs. 1, **5(3)**
- F54** Words in reg. 14(1)(k) substituted (14.4.2008) by The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **4(4)**
- F55** Words in reg. 14(1)(l)(ll) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(4)(a)**
- F56** Reg. 14(1)(ll) inserted (4.10.2004) by The Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2004 (S.I. 2004/1869), regs. 1, **3(2)(a)**
- F57** Words in reg. 14(1)(n) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/3336), regs. 1, **2(2)**
- F58** Reg. 14(1)(nn) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/3336), regs. 1, **2(3)**
- F59** Reg. 14(1)(o) added (30.11.1999) by The Jobseeker's Allowance (Amendment) (No. 2) Regulations 1999 (S.I. 1999/3087), regs. 1(1), **3**
- F60** Words in reg. 14(1)(o)(ii) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(4)(b)**
- F61** Reg. 14(1)(p) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/3336), regs. 1, **2(4)**
- F62** Reg. 14(1)(q) added (4.10.2004) by The Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2004 (S.I. 2004/1869), regs. 1, **3(2)(b)**
- F63** Reg. 14(1)(r)(s) inserted (30.5.2006) by The Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2006 (S.I. 2006/1402), regs. 1, **2(3)(b)**
- F64** Reg. 14(1)(t)(u) added (24.11.2008) by The Social Security (Lone Parents and Miscellaneous Amendments) Regulations 2008 (S.I. 2008/3051), regs. 1(2), **11(8)(a)** (with reg. 13)
- F65** Words in reg. 14(2) inserted (24.11.2008) by The Social Security (Lone Parents and Miscellaneous Amendments) Regulations 2008 (S.I. 2008/3051), regs. 1(2), **11(8)(b)** (with reg. 13)
- F66** Reg. 14(2ZA)(2ZB) inserted (24.11.2008) by The Social Security (Lone Parents and Miscellaneous Amendments) Regulations 2008 (S.I. 2008/3051), regs. 1(2), **11(8)(c)** (with reg. 13)

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- F67** Reg. 14(2A) inserted (11.3.1997) by The Social Security (Jobseekers Allowance and Mariners Benefits) (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/563), regs. 1(1), **2(4)**
- F68** Words in reg. 14(2A) substituted (24.11.2008) by The Social Security (Lone Parents and Miscellaneous Amendments) Regulations 2008 (S.I. 2008/3051), regs. 1(2), **11(8)(d)** (with reg. 13)
- F69** Word in reg. 14(2A) inserted (26.4.2010) by The Jobseeker's Allowance (Lone Parents) (Availability for Work) Regulations 2010 (S.I. 2010/837), regs. 1(2), **2(10)**
- F70** Reg. 14(2B) inserted (30.5.2006) by The Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2006 (S.I. 2006/1402), regs. 1, **2(3)(c)**
- F71** Words in reg. 14(3) substituted (7.10.1996) by The Jobseeker's Allowance and Income Support (General) (Amendment) Regulations 1996 (S.I. 1996/1517), regs. 1, **5(4)**
- F72** Reg. 14(7) inserted (30.5.2006) by The Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2006 (S.I. 2006/1402), regs. 1, **2(3)(d)**

### Circumstances in which a person is not to be regarded as available

**15.**—<sup>[F73]</sup>(1) A person shall not be regarded as available for employment in the following circumstances—

- <sup>[F74]</sup>(a) subject to paragraph (2), if he is full-time student during the period of study;
- (b) if he is a prisoner on temporary release in accordance with the provisions of the Prison Act 1952 <sup>F75</sup> or rules made under section 39(6) of the Prisons (Scotland) Act 1989 <sup>F76</sup>;
- <sup>[F77]</sup>(bb) if the period beginning on the date of claim and ending on the day before the beginning of the first week after the date of claim is less than 7 days, for that period, unless he is treated as available for employment for that period in accordance with regulation 14;
- (bc) <sup>[F78]</sup>if he is on paternity leave or ordinary <sup>[F79]</sup>or additional] adoption leave by virtue of section 75A <sup>[F80]</sup>or 75B] of the Employment Rights Act 1996
- (c) if she is in receipt of maternity allowance or maternity pay in accordance with section 35 or sections 164-171 respectively of the Benefits Act.

<sup>[F81]</sup>(2) Notwithstanding paragraph (1)(a), a full-time student shall be regarded as available for employment during the period of the summer vacation appropriate to his course, but only if the first and second conditions are satisfied.

- (3) The first condition is satisfied if—
  - (a) in the case of a student with a partner, the partner is also a full-time student and either of them is treated as responsible for a child or a young person; or
  - (b) in any other case, the student is treated as responsible for a child or young person.
- (4) The second condition is satisfied if the student is—
  - (a) available for employment in accordance with this Chapter; or
  - (b) treated as available for employment in accordance with regulation 14(1)(a) or (k).]

#### Textual Amendments

- F73** Reg. 15(1): reg. 15 renumbered as reg. 15(1) (9.7.2008) by The Social Security (Students Responsible for Children or Young Persons) Amendment Regulations 2008 (S.I. 2008/1826), regs. 1, **3(2)**
- F74** Reg. 15(1)(a) substituted (9.7.2008) by The Social Security (Students Responsible for Children or Young Persons) Amendment Regulations 2008 (S.I. 2008/1826), regs. 1, **3(3)**
- F75** 1952 c.52.
- F76** 1989 c.45

- F77** Reg. 15(bb) inserted (11.3.1997) by The Social Security (Jobseekers Allowance and Mariners Benefits) (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/563), regs. 1(1), **3**
- F78** Reg. 15(bc) inserted (13.12.2002) by The Jobseeker's Allowance (Amendment) Regulations 2002 (S.I. 2002/3072), reg. 1(a), **reg. 5**
- F79** Words in reg. 15(bc) inserted (14.4.2008) by The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **4(5)(a)**
- F80** Words in reg. 15(bc) inserted (14.4.2008) by The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **4(5)(b)**
- F81** Reg. 15(2)-(4) added (9.7.2008) by The Social Security (Students Responsible for Children or Young Persons) Amendment Regulations 2008 (S.I. 2008/1826), regs. 1, **3(4)**

### **Further circumstances in which a person is to be treated as available: permitted period**

**16.**—(1) A person who is available for employment—

- (a) only in his usual occupation;
- (b) only at a level of remuneration not lower than that which he is accustomed to receive, or
- (c) only in his usual occupation and at a level of remuneration not lower than that which he is accustomed to receive

may be treated for a permitted period as available for employment in that period.

(2) Whether a person should be treated as available for a permitted period and if so, the length of that permitted period shall be determined having regard to the following factors—

- (a) the person's usual occupation and any relevant skills or qualifications which he has;
- (b) the length of any period during which he has undergone training relevant to that occupation;
- (c) the length of the period during which he has been employed in that occupation and the period since he was so employed;
- (d) the availability and location of employment in that occupation.

(3) A permitted period shall be for a minimum of one week and a maximum of 13 weeks and shall start on the date of claim and in this paragraph "week" means any period of 7 consecutive days.

### **Laid off and short-time workers**

**17.**—(1) A person who is laid off shall be treated as available for employment providing he is willing and able to resume immediately the employment from which he has been laid off and to take up immediately any casual employment which is within daily travelling distance of his home or, if he falls within paragraph [F82(1), (1A) or (2)] of regulation 5, at the time specified in that regulation.

- [F83(a)] (2) [F83(a)] A person who is kept on short-time shall be treated as available for employment, providing he is willing and able to resume immediately the employment in which he is being kept on short-time and to take up immediately any casual employment which is within daily travelling distance of his home or, if he falls within paragraph (1) or (2) of regulation 5, at the time specified in that regulation in the hours in which he is not working short-time but the total number of hours for which he works and is available for casual employment must be at least 40 in any week unless paragraph (b) or (c) applies;
- (b) [F84] The total number of hours for which a person kept on short-time works and is available for casual employment may be less than 40 in any week if that person has imposed restrictions on his availability which are reasonable in the light of his physical or mental condition;

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- (c) The total number of hours for which a person kept on short-time works and is available for casual employment may be less than 40 in any week if he has caring responsibilities providing the total number of hours for which he works and is available for casual employment is as many as his caring responsibilities allow and for the specific hours those responsibilities allow and is at least 16 in any week;]
- (3) A person shall not be treated as available for employment in accordance with this regulation for more than 13 weeks, starting with the day after the day he was laid off or first kept on short-time.
- (4) A person who is laid off or kept on short-time may not be treated as available for employment for a permitted period in accordance with regulation 16, unless he ceases to be laid off or kept on short-time within 13 weeks of the day on which he was laid off or first kept on short time, in which case he may be treated as available for employment for a permitted period ending a maximum of 13 weeks after the date of claim.
- (5) In paragraphs (3) and (4), "week" means any period of 7 consecutive days.

#### Textual Amendments

- F82** Words in [reg. 17\(1\)](#) substituted (24.11.2008) by [The Social Security \(Lone Parents and Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/3051\)](#), [regs. 1\(2\)](#), **11(9)** (with [reg. 13](#))
- F83** [Reg. 17\(2\)\(a\)](#) inserted, [reg. 17\(2\)](#) renumbered as [reg. 17\(2\)\(a\)](#), (7.10.1996) by [The Jobseeker's Allowance and Income Support \(General\) \(Amendment\) Regulations 1996 \(S.I. 1996/1517\)](#), [regs. 1, 6](#)
- F84** [Reg. 17\(2\)\(b\)\(c\)](#) inserted (7.10.1996) by [The Jobseeker's Allowance and Income Support \(General\) \(Amendment\) Regulations 1996 \(S.I. 1996/1517\)](#), [regs. 1, 6](#)

#### [<sup>F85</sup>Further circumstances in which a person is to be treated as available: full-time students participating in a qualifying course]

[<sup>F85</sup>**17A.**—(1) A person to whom paragraph (2) applies shall, notwithstanding regulation [<sup>F86</sup>15(1)(a)], be treated as available for employment in accordance with paragraph (3).

(2) This paragraph applies to a person—

- (a) who is aged 25 years or over; and
- (b) [<sup>F87</sup>subject to paragraph (2A),] who has made a claim for a jobseeker's allowance and has been receiving benefit within a jobseeking period for not less than 2 years as at the date he started, or is due to start, the qualifying course and for the purposes of this paragraph the linking provision set out in regulation 48 shall apply.

[<sup>F88</sup>(2A) A person who has been receiving benefit in accordance with paragraph (b) of the definition of "receiving benefit" in paragraphs (7) shall, for the purposes of paragraph (2)(b), be treated as having received benefit within a jobseeking period.]

(3) Subject to paragraph (4), where an employment officer has determined, having regard to the factors specified in paragraph (5), that a person to whom paragraph (2) applies may undertake a qualifying course, that person shall be treated as available for employment in any week in which he is undertaking the qualifying course as a full-time student and—

- (a) which falls wholly or partly in term-time, providing he—
- (i) provides evidence, as often as may be required by an employment officer, within 5 days of being so required by the employment officer, consisting of a document signed by him and on behalf of the establishment at which he is undertaking the qualifying course, confirming that he is attending the establishment when required to attend, in such form as may be required by the employment officer; and



- (ii) provides evidence, as often as may be required by an employment officer, within 5 days of being so required by the employment officer, consisting of a document signed by him and on behalf of the establishment at which he is undertaking the qualifying course, confirming that he is making satisfactory progress on the course, in such form as may be required by the employment officer;
  - (b) in which he is taking examinations relating to the qualifying course; or
  - (c) which falls wholly in a vacation from the qualifying course, if he is willing and able to take up immediately any casual employment.
- (4) In a case where the combined duration of—
- (a) any qualifying course, other than one falling within paragraph (6), which a person to whom paragraph (2) applies has previously undertaken in respect of which he was, for any part of such qualifying course, treated as available for employment in accordance with paragraph (3); and
  - (b) the qualifying course which he is currently undertaking
- is more than 1 year, the person shall only be treated as available for employment in accordance with paragraph (3) if he has been receiving benefit within a jobseeking period for not less than 2 years since the last day of the most recent such qualifying course in respect of which he was, for any part, treated as available in accordance with paragraph (3), and for the purposes of this paragraph the linking provision set out in regulation 48 shall apply.
- (5) The factors which an employment officer must take into account when determining whether a person may undertake a qualifying course are—
- (a) the skills, qualifications and abilities of that person;
  - (b) whether the course would assist him to acquire new skills and qualifications;
  - (c) whether he would have to give up a course of study in order to undertake this course;
  - (d) any needs arising from his physical or mental condition;
  - (e) the time which has elapsed since he was last engaged in employment as an employed earner or as a self-employed earner;
  - (f) his work experience;
  - (g) the number of jobs in the labour market and, if relevant, the local labour market, which require the skills and qualifications which he would acquire on the course; and
  - (h) any evidence about whether this course or this type of course has facilitated the obtaining by persons of work.
- (6) A qualifying course falls within this paragraph if the person had good cause for any act or omission for the purposes of section 19(5)(b) in relation to that course.
- “benefit” means income support, unemployment benefit or a jobseeker’s allowance and “receiving benefit” means receiving benefit which that person has claimed and received as an unemployed person or in accordance with Part I of the Act;
- “casual employment” means employment from which the employee can be released without his giving any notice or, if he is required to give notice, employment from which he can be released before the end of the vacation;
- “duration” in relation to a qualifying course means the period beginning with the start of the course and ending with the last day of the course;
- “jobseeking period” means the period described in regulation 47 and any period treated as a jobseeking period pursuant to regulation 47A;

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“last day” in relation to a qualifying course means the date on which the last day of the course falls, or the date on which the final examination relating to that course is completed, whichever is the later;

“qualifying course” means a course which—

- (a) is an employment-related course;
- (b) lasts no more than 12 consecutive months; and
- (c) except where it falls within paragraph (8), is either—
  - (i) a course of a description falling within Schedule 2 to the Further and Higher Education Act 1992; or
  - (ii) programme of learning falling within section 6 of the Further and Higher Education (Scotland) Act 1992.

(7) In this regulation—

[<sup>F89</sup>“benefit” means

- (a) income support, unemployment benefit, a jobseeker’s allowance or any earnings credited to a person in accordance with regulation 8A or 9A of the Social Security (Credits) Regulations 1975 or which would be credited to a person in accordance with paragraph (1) of that regulation 9A but are not so credited by reason only of the fact that no further earnings are in his case required for the purpose mentioned in that paragraph; or
- (b) any earnings credited to a person for unemployment in accordance with regulation 9 of the Social Security (Credits) Regulations 1975 as it applied before 7th October 1996 and]

“receiving benefit” means [<sup>F90</sup>receiving—

- (a) benefit which that person has claimed and received as an unemployed person or in accordance with Part I of the Act [<sup>F91</sup>or in accordance with regulation 9A of the Social Security (Credits) Regulations 1975]; or
- (b) income support which that person has claimed and received as an asylum seeker pursuant to regulation 70(3A) of the Income Support Regulations but only to the extent that—
  - (i) any periods in respect of which he was in receipt of income support as an asylum seeker pursuant to regulation 70(3A) of the Income Support Regulations link with the jobseeking period which includes the date on which he started, or is due to start, the qualifying course and for this purpose, such periods shall link where they are separated by a period of 12 weeks or less in respect of which he was not in receipt of income support; and
  - (ii) he is, at the date he started, or is due to start, the qualifying course, a person to whom paragraph (7A) applies;]

“casual employment” means employment from which the employee can be released without his giving any notice or, if he is required to give notice, employment from which he can be released before the end of the vacation;

“duration” in relation to a qualifying course means the period beginning with the start of the course and ending with the last day of the course;

“jobseeking period” means the period described in regulation 47 and any period treated as a jobseeking period pursuant to regulation 47A;

“last day” in relation to a qualifying course means the date on which the last day of the course falls, or the date on which the final examination relating to that course is completed, whichever is the later;

“qualifying course” means a course which—

- (a) is an employment-related course;
- (b) lasts no more than 12 consecutive months; and

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- (c) except where it falls within paragraph (8), is either—
- (i) a course of a description falling within Schedule 2 to the Further and Higher Education Act 1992; or
  - (ii) a programme of learning falling within section 6 of the Further and Higher Education (Scotland) Act 1992

[  
F92(7A) Subject to paragraph (7B), this paragraph shall apply in the case of a person—

- (a) who—
- (i) is a refugee within the definition of Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967; or
  - (ii) has been granted exceptional leave—
    - (aa) to enter the United Kingdom by an immigration officer appointed for the purposes of the Immigration Act 1971; or
    - (bb) to remain in the United Kingdom by the Secretary of State; and
  - (b) who was in receipt of income support as an asylum seeker pursuant to regulation 70(3A) of the Income Support Regulations at any time during the period of 12 weeks immediately preceding the beginning of the jobseeking period which includes the date on which he started, or is due to start, the qualifying course.]

[  
F92(7B) Paragraph (7A) shall include a person who has been recorded as a refugee by the Secretary of State within the definition in sub-paragraph (a) of that paragraph and whose claim for income support was determined in accordance with regulation 21ZA(2) or (3) of the Income Support Regulations (treatment of refugees).]

(8) A course or a programme of learning which is of a standard above that of a course or programme of learning falling within paragraph (c) of the definition of “qualifying course” falls within this paragraph if an employment officer so determines in a particular case.]

#### Textual Amendments

- F85** Reg. 17A inserted (1.6.1998) by [The Social Security Amendment \(New Deal\) Regulations 1998 \(S.I. 1998/1274\)](#), regs. 1(1), **4**
- F86** Word in reg. 17A(1) substituted (9.7.2008) by [The Social Security \(Students Responsible for Children or Young Persons\) Amendment Regulations 2008 \(S.I. 2008/1826\)](#), regs. 1, **3(5)**
- F87** Words in reg. 17A(2)(b) inserted (24.11.1998) by [The Jobseeker's Allowance Amendment \(New Deal\) Regulations 1998 \(S.I. 1998/2874\)](#), regs. 1, **2(2)**
- F88** Reg. 17A(2A) inserted (24.11.1998) by [The Jobseeker's Allowance Amendment \(New Deal\) Regulations 1998 \(S.I. 1998/2874\)](#), regs. 1, **2(3)**
- F89** Words in reg. 17A(7) substituted (30.11.1999) by [The Jobseeker's Allowance Amendment \(New Deal\) Regulations 1999 \(S.I. 1999/3083\)](#), regs. 1, **2(2)**
- F90** Words in reg. 17A(7) substituted (24.11.1998) by [The Jobseeker's Allowance Amendment \(New Deal\) Regulations 1998 \(S.I. 1998/2874\)](#), regs. 1, **2(4)**
- F91** Words in reg. 17A(7) inserted (30.11.1999) by [The Jobseeker's Allowance Amendment \(New Deal\) Regulations 1999 \(S.I. 1999/3083\)](#), regs. 1, **2(3)**
- F92** Reg. 17A(7A)(7B) inserted (24.11.1998) by [The Jobseeker's Allowance Amendment \(New Deal\) Regulations 1998 \(S.I. 1998/2874\)](#), regs. 1, **2(5)**

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### Chapter III

#### Actively Seeking Employment

##### Steps to be taken by persons actively seeking employment

18.—<sup>F93</sup>(1) For the purposes of section 7(1) (actively seeking employment) a person shall be expected to have to take more than two steps in any week unless taking one or two steps is all that is reasonable for that person to do in that week.]

(2) Steps which it is reasonable for a person to be expected to have to take in any week include—

- (a) oral or written applications (or both) for employment made to persons—
  - (i) who have advertised the availability of employment; or
  - (ii) who appear to be in a position to offer employment;
- (b) seeking information on the availability of employment from—
  - (i) advertisements;
  - (ii) persons who have placed advertisements which indicate the availability of employment;
  - (iii) employment agencies and employment businesses;
  - (iv) employers;
- (c) registration with an employment agency or employment business;
- (d) appointment of a third party to assist the person in question in finding employment;
- (e) seeking specialist advice, following referral by an employment officer, on how to improve the prospects of securing employment having regard to that person's needs and in particular in relation to any mental or physical limitations of that person;
- (f) drawing up a curriculum vitae;
- (g) seeking a reference or testimonial from a previous employer;
- (h) drawing up a list of employers who may be able to offer employment to him with a view to seeking information from them on the availability of employment;
- (i) seeking information about employers who may be able to offer employment to him;
- (j) seeking information on an occupation with a view to securing employment in that occupation.

(3) In determining whether, in relation to any steps taken by a person, the requirements of section 7(1) are satisfied in any week, regard shall be had to all the circumstances of the case, including—

- (a) his skills, qualifications and abilities;
- (b) his physical or mental limitations;
- (c) the time which has elapsed since he was last in employment and his work experience;
- (d) the steps which he has taken in previous weeks and the effectiveness of those steps in improving his prospects of securing employment;
- (e) the availability and location of vacancies in employment;
- (f) any time during which he was—
  - (i) engaged in the manning or launching of a lifeboat or in the performance of duty as a part-time member of a fire brigade or engaged during an emergency in duties for the benefit of others,
  - (ii) attending an Outward Bound course,

- (iii) in the case of a blind person, participating in a course of training in the use of guide dogs,
  - (iv) participating in training in the use of aids to overcome any physical or mental limitations of his in order to improve his prospects of securing employment,
  - (v) engaged in duties as a member of any territorial or reserve force prescribed in Part I of [<sup>F94</sup>Schedule 6 to the Social Security (Contributions) Regulations 2001],
  - (vi) participating as a part-time student in an employment-related course,
  - (vii) participating for less than 3 days in an employment or training programme for which a training allowance is not payable;
- (g) any time during which he was engaged in voluntary work and the extent to which it may have improved his prospects of securing employment;
- (h) whether he is treated as available for employment under regulation 14;
- (i) whether he has applied for, or accepted, a place on, or participated in, a course or programme the cost of which is met in whole or in part out of central funds or by the European Community and the purpose of which is to assist persons to select, train for, obtain or retain employed earner's employment or self-employed earner's employment; and
- (j) where he had no living accommodation in that week the fact that he had no such accommodation and the steps which he needed to take and has in fact taken to seek such accommodation.
- (4) Any act of a person which would otherwise be relevant for purposes of section 7 shall be disregarded in the following circumstances—
- (a) where, in taking the act, he acted in a violent or abusive manner,
  - (b) where the act comprised the completion of an application for employment and he spoiled the application,
  - (c) where by his behaviour or appearance he otherwise undermined his prospects of securing the employment in question,

unless those circumstances were due to reasons beyond his control.

(5) In this regulation—

“employment agency” and “employment business” mean an employment agency or (as the case may be) employment business within the meaning of the Employment Agencies Act 1973<sup>F95</sup>;

“employment or training programme” means a course or programme the person's participation in which is attributable to arrangements made by the Secretary of State under section 2 of the Employment and Training Act 1973<sup>F96</sup> for the purpose of assisting persons to select, train for, obtain or retain employed earner's employment.

#### Textual Amendments

**F93** Reg. 18(1) substituted (19.4.2004 for specified purposes, 18.10.2004 in so far as not already in force) by [The Jobseeker's Allowance \(Amendment\) Regulations 2004 \(S.I. 2004/1008\)](#), regs. 1(2), **2(2)**

**F94** Words in reg. 18(3)(f)(v) substituted (2.10.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), regs. 1(3), **13(3)(a)**

**F95** 1973 c.35.

**F96** 1973 c.50; section 2 was amended by section 25(1) of the [Employment Act 1988 \(c.19\)](#), by Part I of Schedule 7 to the [Employment Act 1989 \(c.38\)](#) and by section 47(1) of the [Trade Union Reform and Employment Rights Act 1993 \(c.19\)](#).

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### [<sup>F97</sup>Actively seeking employment in the period at the beginning of a claim

**18A.**—(1) Paragraph (2) applies in any case [<sup>F98</sup>, other than a case which falls within regulation 19(1)(i) or (s),] where the period beginning on the date of claim and ending on the day before the beginning of the first week after the date of claim is less than 7 days.

(2) Where this paragraph applies, a person is actively seeking employment in the period referred to in paragraph (1) if he takes in that period such steps as he can reasonably be expected to have to take in order to have the best prospects of securing employment and in determining whether a person has taken such steps—

- (a) the steps which it is reasonable for him to be expected to have to take include those referred to in regulation 18(2); and
- (b) regard shall be had to all the circumstances of the case, including those matters referred to in regulation 18(3).]

#### Textual Amendments

**F97** Reg. 18A inserted (11.3.1997) by [The Social Security \(Jobseekers Allowance and Mariners Benefits\) \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/563\)](#), regs. 1(1), 4

**F98** Words in reg. 18A(1) inserted (30.11.1999) by [The Jobseeker's Allowance \(Amendment\) \(No. 2\) Regulations 1999 \(S.I. 1999/3087\)](#), regs. 1(1), 4

### Circumstances in which a person is to be treated as actively seeking employment

**19.**—(1) A person shall be treated as actively seeking employment in the following circumstances, subject to [<sup>F99</sup>paragraphs (2) and (2A)] and to any maximum period specified in this paragraph—

- (a) in any week during which he is participating for not less than 3 days as a full-time student in an employment-related course where participation by him has been approved before the course started by an employment officer, for a maximum of 2 weeks and one such course in any period of 12 months;
- (b) in any week during which he is attending for not less than 3 days a residential work camp, for a maximum of 2 weeks and one such occasion in any period of 12 months;
- (c) in any week during which he is temporarily absent from Great Britain for not less than 3 days because he is taking a member of his family who is a child or young person abroad for treatment, for a maximum of 8 weeks;
- (d) in any week during which he is engaged for not less than 3 days in the manning or launching of a lifeboat or in the performance of duty as a part-time member of a fire brigade or engaged during an emergency in duties for the benefit of others;
- (e) if he is a member of a couple, in any week during which he is for not less than 3 days looking after a member of his family who is a child while the other member is temporarily absent from the United Kingdom, for a maximum of 8 weeks;
- (f) if he is following an Open University course, in any week during which he is attending for not less than 3 days, as a requirement of that course, a residential course, for a maximum of one week per course;
- (g) in any week during which he is for not less than 3 days temporarily looking after a child full-time because the person who normally looks after the child is ill or temporarily absent from home or the person is looking after a member of the family who is ill, for a maximum of 8 weeks;

- (h) in the first week after the date of claim if he is treated as available for employment to any extent in that week under regulation 14(1)(h);
- [<sup>F100</sup>(i) for any period if he is treated as available for employment to any extent in that period under regulation 14(1)(h);]
- [<sup>F101</sup>(j) if the award is terminated other than on the last day of a week, for the period beginning with the beginning of the week in which the award is terminated and ending on the day on which the award is terminated;]
- (k) in any week during which he is participating for not less than 3 days in a programme provided by the Venture Trust in pursuance of an arrangement made by [<sup>F102</sup>the Scottish Ministers], for a maximum of 4 weeks and one such programme in any period of 12 months;
- (l) in any week during which he is for not less than 3 days treated as capable of work [<sup>F103</sup>or as not having limited capability for work] in accordance with regulation 55;
- [<sup>F104</sup>(ll) in any week during which he is for not less than 3 days treated as capable of work [<sup>F103</sup>or as not having limited capability for work] in accordance with regulation 55A;]
- (m) in any week during which he is temporarily absent from Great Britain for not less than 3 days in order to attend an interview for employment and has given notice to an employment officer, in writing if so required by the employment officer, that he will be so absent, for a maximum of 1 week;
- (n) if he is a member of a couple [<sup>F105</sup>other than a joint-claim couple], in any week during which he and his partner are both absent from Great Britain for not less than 3 days and in which a premium referred to in paragraph 10, 11, 12, 13 or 15 of Schedule 1 (applicable amounts) is applicable in respect of his partner, for a maximum of 4 weeks;
- [<sup>F106</sup>(nn) if he is a member of a joint-claim couple, in any week during which he and his partner are both absent from Great Britain for not less than 3 days and in which a premium referred to in paragraph 20E, 20F, 20G or 20I of Schedule 1 (applicable amounts) is applicable in respect of his partner, for a maximum of 4 weeks;]
- (o) in any week during which he is treated as available for employment on not less than 3 days under regulation [<sup>F107</sup>14(2) or (2ZA)];
- (p) in any week in respect of which he has given notice to an employment officer, in writing if so required by the employment officer, that—
  - (i) he does not intend to be actively seeking employment, but
  - (ii) he does intend to reside at a place other than his usual place of residence for at least one day;
- (q) in any week during which he is participating for not less than 3 days in an employment or training programme for which a training allowance is not payable;
- [<sup>F108</sup>(r) in any week, being part of a single period not exceeding 8 weeks falling within a period of continuous entitlement to a jobseeker's allowance, during which he is taking active steps to establish himself in self-employed earner's employment under any scheme for assisting persons to become so employed—
  - (i) where, in Wales, his participation under the scheme is attributable to arrangements made by the Secretary of State under section 2 of the Employment and Training Act 1973
  - (ii) where, in Scotland, the scheme—,

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(aa) is established by virtue of arrangements made by [<sup>F109</sup>Skills Development Scotland,] Scottish Enterprise or Highlands and Islands Enterprise under section 2(3) of the Enterprise and New Towns (Scotland) Act 1990 or

(bb) is directly or indirectly provided by, or with financial assistance from, the Secretary of State,

(iii) where, in England, the scheme is directly or indirectly provided by, or with financial assistance from, the Secretary of State, the [<sup>F110</sup>Urban Regeneration Agency][<sup>F110</sup>Homes and Communities Agency], an urban development corporation or a housing action trust,

and the single period referred to above shall begin with the week in which he is accepted on a place under the scheme.]

[<sup>F111</sup>(s) for any period if he is treated as available for employment to any extent in that period under regulation 14(1)(o).]

[<sup>F112</sup>(t) if he is temporarily absent from Great Britain in the circumstances prescribed in regulation 50(6B)(a) or (c), for the period of any such temporary absence.]

[<sup>F113</sup>(u) if he is temporarily absent from Great Britain in the circumstances prescribed in regulation 50(6AA) or, as the case may be (6C).]

[<sup>F114</sup>(v) in any week during which he is, for not less than three days, required to attend a court or tribunal as a justice of the peace, a party to any proceedings, a witness or a juror;

(w) if, for a maximum of 96 hours before being released, he is in—

(i) police detention within the meaning in section 118(2) of the Police and Criminal Evidence Act 1984 (general interpretation), or

(ii) legal custody within the meaning in section 295 of the Criminal Procedure (Scotland) Act 1995 (legal custody in Scotland) but is not a prisoner as defined by regulation 85(4) (special cases).]

(2) In any period of 12 months a person shall be treated as actively seeking employment under paragraph (1)(p) only for the number of weeks specified in one of the following sub-paragraphs—

(a) a maximum of 2 weeks; or

(b) a maximum of 3 weeks during which he is attending for at least 3 days in each such week an Outward Bound course; or

(c) if he is a blind person, a maximum of 6 weeks during which, apart from a period of no more than 2 weeks, he participates for a maximum period of 4 weeks in a course of training in the use of guide dogs of which at least 3 days in each such week is spent in that training.

[<sup>F115</sup>(2A) A person shall not be treated as actively seeking employment under paragraph (1)(v)—

(a) for more than eight weeks,

(b) where he does not, before the period during which he is required to attend the court or tribunal, give an employment officer notice, in writing where requested by the employment officer, that he is so required, or

(c) where he is a prisoner as defined by regulation 85(4) (special cases).]

(3) In this regulation—

“employment or training programme” means a course or programme the person’s participation in which is attributable to arrangements made by the Secretary of State under section 2 of the Employment and Training Act 1973 for the purpose of assisting persons to select, train for, obtain or retain employment;



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"housing action trust" means a corporation established by an order of the Secretary of State pursuant to section 62(1) of the Housing Act 1988 <sup>F116</sup>;

"treatment" means treatment for a disease or bodily or mental disablement by or under the supervision of a person qualified to provide medical treatment, physiotherapy or a form of treatment which is similar to, or related to, either of those forms of treatment;

[<sup>F117</sup>"tribunal" means any tribunal listed in Schedule 1 to the Tribunals and Inquiries Act 1992;]

"urban development corporation" means a corporation established by an order of the Secretary of State pursuant to section 135(1) of the Local Government, Planning and Land Act 1980 <sup>F118</sup>;

[<sup>F119</sup>"Urban Regeneration Agency" means the agency referred to in section 158(1) of the Leasehold Reform, Housing and Urban Development Act 1993 <sup>F120</sup>.]

### Textual Amendments

- F99** Words in reg. 19(1) substituted (30.5.2006) by The Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2006 (S.I. 2006/1402), regs. 1, **2(4)(a)**
- F100** Reg. 19(1)(i) inserted (30.11.1999) by The Jobseeker's Allowance (Amendment) (No. 2) Regulations 1999 (S.I. 1999/3087), regs. 1(1), **5(2)**
- F101** Reg. 19(1)(j) substituted (7.10.1996) by The Jobseeker's Allowance and Income Support (General) (Amendment) Regulations 1996 (S.I. 1996/1517), regs. 1, **7(3)**
- F102** Words in reg. 19(1)(k) substituted (14.4.2008) by The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **4(6)**
- F103** Words in reg. 19(1)(l)(ll) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(5)**
- F104** Reg. 19(1)(ll) inserted (4.10.2004) by The Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2004 (S.I. 2004/1869), regs. 1, **3(3)(a)**
- F105** Words in reg. 19(1)(n) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/3336), regs. 1, **2(5)**
- F106** Reg. 19(1)(nn) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/3336), regs. 1, **2(6)**
- F107** Words in reg. 19(1)(o) substituted (24.11.2008) by The Social Security (Lone Parents and Miscellaneous Amendments) Regulations 2008 (S.I. 2008/3051), regs. 1(2), **11(10)** (with reg. 13)
- F108** Reg. 19(1)(r) substituted (1.6.1998) by The Social Security Amendment (New Deal) Regulations 1998 (S.I. 1998/1274), regs. 1(1), **5**
- F109** Words in reg. 19(1)(r)(ii)(aa) inserted (6.4.2009) by The Social Security (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/583), regs. 1(2), **4(3)(c)**
- F110** Words in reg. 19(1)(r)(iii) substituted (E.W.) (1.12.2008) by The Housing and Regeneration Act 2008 (Consequential Provisions) (No. 2) Order 2008 (S.I. 2008/2831), reg. 1(2), **Sch. 1 para. 7(2)** (with Sch. 3 Sch. 4 paras. 5, 6); reg. 1(2)
- F111** Reg. 19(1)(s) added (30.11.1999) by The Jobseeker's Allowance (Amendment) (No. 2) Regulations 1999 (S.I. 1999/3087), regs. 1(1), **5(3)**
- F112** Reg. 19(1)(t) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/3336), regs. 1, **2(7)**
- F113** Reg. 19(1)(u) added (4.10.2004) by The Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2004 (S.I. 2004/1869), regs. 1, **3(3)(b)**
- F114** Reg. 19(1)(v)(w) inserted (30.5.2006) by The Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2006 (S.I. 2006/1402), regs. 1, **2(4)(b)**
- F115** Reg. 19(2A) inserted (30.5.2006) by The Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2006 (S.I. 2006/1402), regs. 1, **2(4)(c)**
- F116** 1988 c.50.

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- F117** Words in reg. 19(3) inserted (30.5.2006) by The Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2006 (S.I. 2006/1402), regs. 1, **2(4)(d)**
- F118** 1980 c.65.
- F119** Words in reg. 19(3) omitted (E.W.) (1.12.2008) by virtue of The Housing and Regeneration Act 2008 (Consequential Provisions) (No. 2) Order 2008 (S.I. 2008/2831), reg. 1(2), **Sch. 1 para. 7(3)** (with Sch. 3 Sch. 4 paras. 5, 6); reg. 1(2)
- F120** 1993 c.28.

**Further circumstances in which a person is to be treated as actively seeking employment: permitted period**

**20.**—(1) A person to whom paragraph (2) does not apply shall be treated as actively seeking employment in any week during any permitted period determined in his case in accordance with regulation 16, if he is actively seeking employment in that week—

- (a) only in his usual occupation,
- (b) only at a level of remuneration not lower than that which he is accustomed to receive, or
- (c) only in his usual occupation and at a level of remuneration not lower than that which he is accustomed to receive.

(2) A person to whom this paragraph applies shall be treated as actively seeking employment in any week during any permitted period determined in his case in accordance with regulation 16, if he is actively seeking employment, self-employed earner's employment, or employment and self-employed earner's employment in that week—

- (a) only in his usual occupation,
- (b) only at a level of remuneration not lower than that which he is accustomed to receive, or
- (c) only in his usual occupation and at a level of remuneration not lower than that which he is accustomed to receive.

(3) Paragraph (2) applies to a person who has, at any time during the period of 12 months immediately preceding the date of claim, been engaged in his usual occupation in self-employed earner's employment.

**Further circumstances in which a person is to be treated as actively seeking employment: laid off and short-time workers**

**21.** A person who has restricted his availability for employment in accordance with regulation 17(1) or, as the case may be, regulation 17(2), shall in any week in which he has so restricted his availability for not less than 3 days be treated as actively seeking employment in that week if he takes such steps as he can reasonably be expected to have to take in order to have the best prospects of securing employment for which he is available under regulation 17.

**[<sup>F121</sup> Further circumstances in which a qualifying person is to be treated as actively seeking employment: full-time students participating in a qualifying course**

**21A.** A person who is treated as available for employment in accordance with regulation 17A(3) shall be treated as actively seeking employment in any week—

- (a) which, in relation to the qualifying course, falls wholly or partly in term-time;
- (b) in which he is taking examinations relating to the qualifying course; or
- (c) which falls wholly in a vacation from the qualifying course, if in that week he takes such steps as he can reasonably be expected to have to take in order to have the best prospects of securing employment for which he is available under regulation 17A(3)(c).]

**Textual Amendments**

**F121** Reg. 21A inserted (1.6.1998) by [The Social Security Amendment \(New Deal\) Regulations 1998 \(S.I. 1998/1274\)](#), regs. 1(1), 6

**Interpretation of certain expressions for the purposes of regulations 18(3)(f)(i) and 19(1)(d)**

**22.** For the purposes of regulations 18(3)(f)(i) and 19(1)(d)—

- (a) a person is engaged in duties for the benefit of others while—
- (i) providing assistance to any person whose life may be endangered or who may be exposed to the risk of serious bodily injury or whose health may be seriously impaired,
  - (ii) protecting property of substantial value from imminent risk of serious damage or destruction, or
  - (iii) assisting in measures being taken to prevent a serious threat to the health of the people,

as a member of a group of persons organised wholly or partly for the purpose of providing such assistance or, as the case may be, protection;

- (b) events which may give rise to an emergency include—
- (i) a fire, a flood or an explosion,
  - (ii) a natural catastrophe,
  - (iii) a railway or other transport accident,
  - (iv) a cave or mountain accident,
  - (v) an accident at sea,
  - (vi) a person being reported missing and the organisation of a search for that person.

*Chapter IV*

*Attendance, Information and Evidence*

**Attendance**

[<sup>F122</sup>**23.** A claimant shall attend at such place and at such time as an employment officer may specify by a notification which is given or sent to the claimant and which may be in writing, by telephone or by electronic means.]

**Textual Amendments**

**F122** Reg. 23 substituted (11.9.2000) by [The Jobseeker's Allowance \(Amendment\) \(No. 3\) Regulations 2000 \(S.I. 2000/2194\)](#), regs. 1, 2(2)

[<sup>F123</sup>**Attendance by members of a joint-claim couple**

**23A.** Each member of a joint-claim couple shall attend at such place and at such time as the employment officer may specify by a notification which is given or sent to that member and which may be in writing, by telephone or by electronic means.]

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### Textual Amendments

**F123** Reg. 23A inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), [Sch. 2 para. 2](#)

### Provision of information and evidence

**24.**—(1) A claimant shall provide such information as to his circumstances, his availability for employment and the extent to which he is actively seeking employment as may be required by the Secretary of State in order to determine the entitlement of the claimant to a jobseeker's allowance, whether that allowance is payable to him and, if so, in what amount.

[<sup>F124</sup>(1A) A member of a joint-claim couple shall provide such information as to the circumstances of each or either member of a couple, the availability for employment of each or either member of the couple and the extent to which each or either member of the couple is actively seeking employment as may be required by the Secretary of State in order to determine the entitlement of the couple to a jobseeker's allowance, whether that allowance is payable to the couple and, if so, in what amount.]

(2) A claimant shall furnish such other information in connection with the claim, or any question arising out of it, as may be required by the Secretary of State.

(3) Where—

- (a) a jobseeker's allowance may be claimed by either member of a couple, or
- (b) entitlement to a jobseeker's allowance or whether that allowance is payable and, if so, in what amount, is or may be affected by the circumstances of either member of a couple or any member of a polygamous marriage,

the Secretary of State may require the member of the couple other than the claimant to certify in writing whether he agrees to the claimant's making the claim, or that he, or any member of a polygamous marriage, confirms the information given about his circumstances[<sup>F125</sup>, and in this paragraph "couple" does not include a joint-claim couple].

[<sup>F126</sup>(3A) Where entitlement to a joint-claim jobseeker's allowance or whether that allowance is payable and, if so, in what amount, is or may be affected by the circumstances of any member of a polygamous marriage, the Secretary of State may require either member of the joint-claim couple to certify in writing that any member of the polygamous marriage confirms the information given about that member's circumstances.]

(4) A claimant shall furnish such certificates, documents and other evidence as may be required by the Secretary of State for the determination of the claim.

(5) A claimant shall furnish such certificates, documents and other evidence affecting his continuing entitlement to a jobseeker's allowance, whether that allowance is payable to him and, if so, in what amount as the Secretary of State may require.

[<sup>F127</sup>(5A) A member of a joint-claim couple shall furnish such certificates, documents and other evidence affecting the continuing entitlement of the couple to a jobseeker's allowance, whether that allowance is payable to the couple and, if so, in what amount as the Secretary of State may require.]

(6) A claimant shall, if the Secretary of State requires him to do so, provide a signed declaration to the effect that—

- [<sup>F128</sup>(a) since making a claim for a jobseeker's allowance or since he last provided a declaration in accordance with this paragraph he has either been available for employment or satisfied the circumstances to be treated as available for employment, save as he has otherwise notified the Secretary of State,]

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- (b) since making a claim for a jobseeker's allowance or since he last provided a declaration in accordance with this paragraph he has either been actively seeking employment to the extent necessary to give him his best prospects of securing employment or he has satisfied the circumstances to be treated as actively seeking employment, save as he has otherwise notified the Secretary of State, and
- (c) since making a claim for a jobseeker's allowance or since he last provided a declaration in accordance with this paragraph there has been no change to his circumstances which might affect his entitlement to a jobseeker's allowance or the <sup>F129</sup>... amount of such an allowance, save as he has notified the Secretary of State.
- (7) A claimant shall notify the Secretary of State—
- (a) of any change of circumstances which has occurred which he might reasonably be expected to know might affect his entitlement to a jobseeker's allowance [<sup>F130</sup>or, in the case of a joint-claim couple, the entitlement of the couple to a joint-claim jobseeker's allowance] or the payability or amount of such an allowance; and
- (b) of any such change of circumstances which he is aware is likely so to occur,
- and shall do so as soon as reasonably practicable after its occurrence or, as the case may be, after he becomes so aware, by giving notice [<sup>F131</sup>of the change to an office of the Department for Work and Pensions specified by the Secretary of State—
- (i) in writing or by telephone (unless the Secretary of State determines in any particular case that notice must be in writing or may be given otherwise than in writing or by telephone); or
- (ii) in writing if in any class of case he requires written notice (unless he determines in any particular case to accept notice given otherwise than in writing)].
- (8) Where, pursuant to paragraph (1)[<sup>F132</sup>,(1A)] or (2), a claimant is required to provide information he shall do so when he attends in accordance with a [<sup>F133</sup>notification] under regulation 23 [<sup>F132</sup>or 23A], if so required by the Secretary of State, or within such period as the Secretary of State may require.
- (9) Where, pursuant to paragraph (4) or (5) [<sup>F134</sup>or (5A)], a claimant is required to provide certificates, documents or other evidence he shall do so within seven days of being so required or such longer period as the Secretary of State may consider reasonable.
- (10) Where, pursuant to paragraph (6), a claimant is required to provide a signed declaration he shall provide it on the day on which he is required to attend in accordance with a [<sup>F135</sup>notification] under regulation 23 [<sup>F136</sup>or 23A] or on such other day as the Secretary of State may require.
- [<sup>F137</sup>(11) In this regulation, references to the "Secretary of State" include a reference to persons designated as employment officers by an Order made by the Secretary of State under section 8(3) of the Jobseekers Act 1995. ]

#### Textual Amendments

- F124** Reg. 24(1A) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 3(a)**
- F125** Words in reg. 24(3) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 3(b)**
- F126** Reg. 24(3A) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 3(c)**
- F127** Reg. 24(5A) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 3(d)**

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- F128** Reg. 24(6)(a) substituted (7.10.1996) by [The Jobseeker's Allowance and Income Support \(General\) \(Amendment\) Regulations 1996 \(S.I. 1996/1517\)](#), regs. 1, **8(2)**
- F129** Words in reg. 24(6)(c) omitted (7.10.1996) by virtue of [The Jobseeker's Allowance and Income Support \(General\) \(Amendment\) Regulations 1996 \(S.I. 1996/1517\)](#), regs. 1, **8(3)**
- F130** Words in reg. 24(7)(a) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 3(e)**
- F131** Words in reg. 24(7) substituted (10.4.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2006 \(S.I. 2006/832\)](#), regs. 1(2), **4**
- F132** Words in reg. 24(8) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 3(f)**
- F133** Word in reg. 24(8) substituted (11.9.2000) by [The Jobseeker's Allowance \(Amendment\) \(No. 3\) Regulations 2000 \(S.I. 2000/2194\)](#), regs. 1, **2(3)**
- F134** Words in reg. 24(9) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 3(g)**
- F135** Word in reg. 24(10) substituted (11.9.2000) by [The Jobseeker's Allowance \(Amendment\) \(No. 3\) Regulations 2000 \(S.I. 2000/2194\)](#), regs. 1, **2(3)**
- F136** Words in reg. 24(10) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 3(h)**
- F137** Reg. 24(11) added (29.11.1999) by [The Social Security \(Claims and Information\) Regulations 1999 \(S.I. 1999/3108\)](#), reg. 1, **Sch. 3 para. 1(3)**

#### **[<sup>F138</sup>Alternative means of notifying changes of circumstances**

**24A.**—(1) In such cases and subject to such conditions as the Secretary of State may specify, the duty in regulation 24(7) to notify a change of circumstances may be discharged by notifying the Secretary of State as soon as reasonably practicable—

- (a) where the change of circumstances is a birth or death, through a relevant authority, or a county council in England, by personal attendance at an office specified by that authority or county council, provided the Secretary of State has agreed with that authority or county council for it to facilitate such notification; or
- (b) where the change of circumstances is a death, by telephone to a telephone number specified for that purpose by the Secretary of State.

(2) In this regulation “relevant authority” has the same meaning as in the Housing Benefit Regulations 2006 and the Council Tax Benefit Regulations 2006.]

#### **Textual Amendments**

- F138** [Reg. 24A](#) inserted (5.4.2010) by [The Social Security \(Notification of Changes of Circumstances\) Regulations 2010 \(S.I. 2010/444\)](#), regs. 1, **3**

#### **Entitlement ceasing on a failure to comply**

**25.**—(1) [<sup>F139</sup>Entitlement] to a jobseeker's allowance shall cease in the following circumstances—

- [<sup>F140</sup>(a) if a claimant fails to attend on the day specified in a relevant notification, and fails to make contact with an employment officer in the manner set out in that notification before the end of the period of five working days beginning with the first working day after the day on which the claimant failed to attend;]
- (b) if—

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- [<sup>F141</sup>(i) [<sup>F142</sup>that claimant] attends on the day specified in a [<sup>F143</sup>relevant notification] but fails to attend at the time specified in that [<sup>F144</sup>notification]<sup>F145</sup> ..., and the Secretary of State has informed the claimant in writing that a failure to attend, on the next occasion on which he is required to attend, at the time specified in such a [<sup>F144</sup>notification] may result in his entitlement to a jobseeker's allowance ceasing [<sup>F146</sup>or the benefit not being payable for a period], and]
- (ii) he fails to attend at the time specified in such a [<sup>F144</sup>notification] on the next occasion; [<sup>F147</sup>and]
- [<sup>F148</sup>(iii) that claimant fails to make contact with an employment officer in the manner set out in such a notification before the end of the period of five working days beginning with the first working day after the day on which that claimant failed to attend at the time specified;]
- (c) [<sup>F149</sup>subject to regulation 27,] if [<sup>F142</sup>that claimant] was required to provide a signed declaration as referred to in regulation 24(6) and he fails to provide it on the day on which he ought to do so in accordance with regulation 24(10).
- [<sup>F150</sup>(1A) In this regulation and in regulations 27A, 28 and 30—
- “relevant notification” means a notification under regulation 23 or 23A, other than a notification requiring attendance under an employment programme or a training scheme;
- “working day” means any day on which the appropriate office is not closed.]
- (2) In this regulation, “an employment programme” and “a training scheme” have the meaning given in regulation 75.

### Textual Amendments

- F139** Word in reg. 25(1) substituted (6.4.2010) by [The Jobseeker's Allowance \(Sanctions for Failure to Attend\) Regulations 2010 \(S.I. 2010/509\)](#), regs. 1(2), **2(3)(a)**
- F140** Reg. 25(1)(a) substituted (6.4.2010) by [The Jobseeker's Allowance \(Sanctions for Failure to Attend\) Regulations 2010 \(S.I. 2010/509\)](#), regs. 1(2), **2(3)(b)**
- F141** Reg. 25(1)(b)(i) substituted (25.3.1999) by [The Jobseeker's Allowance \(Amendment\) Regulations 1999 \(S.I. 1999/530\)](#), regs. 1, **2**
- F142** Words in reg. 25(1)(b)(c) substituted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 4(c)**
- F143** Words in reg. 25(1)(b)(i) substituted (6.4.2010) by [The Jobseeker's Allowance \(Sanctions for Failure to Attend\) Regulations 2010 \(S.I. 2010/509\)](#), regs. 1(2), **2(3)(c)(i)**
- F144** Word in reg. 25 substituted (11.9.2000) by [The Jobseeker's Allowance \(Amendment\) \(No. 3\) Regulations 2000 \(S.I. 2000/2194\)](#), regs. 1, **2(4)**
- F145** Words in reg. 25(1)(b)(i) omitted (6.4.2010) by virtue of [The Jobseeker's Allowance \(Sanctions for Failure to Attend\) Regulations 2010 \(S.I. 2010/509\)](#), regs. 1(2), **2(3)(c)(ii)**
- F146** Words in reg. 25(1)(b)(i) inserted (6.4.2010) by [The Jobseeker's Allowance \(Sanctions for Failure to Attend\) Regulations 2010 \(S.I. 2010/509\)](#), regs. 1(2), **2(3)(c)(iii)**
- F147** Word in reg. 25(1)(b)(ii) inserted (6.4.2010) by [The Jobseeker's Allowance \(Sanctions for Failure to Attend\) Regulations 2010 \(S.I. 2010/509\)](#), regs. 1(2), **2(3)(d)**
- F148** Reg. 25(1)(b)(iii) added (6.4.2010) by [The Jobseeker's Allowance \(Sanctions for Failure to Attend\) Regulations 2010 \(S.I. 2010/509\)](#), regs. 1(2), **2(3)(e)**
- F149** Words in reg. 25(1)(c) inserted (6.4.2010) by [The Jobseeker's Allowance \(Sanctions for Failure to Attend\) Regulations 2010 \(S.I. 2010/509\)](#), regs. 1(2), **2(3)(f)**
- F150** Reg. 25(1A) inserted (6.4.2010) by [The Jobseeker's Allowance \(Sanctions for Failure to Attend\) Regulations 2010 \(S.I. 2010/509\)](#), regs. 1(2), **2(3)(g)**

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### Time at which entitlement is to cease

26. Entitlement to a jobseeker's allowance shall cease in accordance with regulation 25 on whichever is the earlier of—

- (a) the day after the last day in respect of which [<sup>F151</sup>that claimant] has provided information or evidence which [<sup>F152</sup>shows that he continues to be entitled] to a jobseeker's allowance,
- (b) if [<sup>F153</sup>regulation 25(1)(a) or (b)] applies, the day on which he was required to attend, and
- (c) if [<sup>F154</sup>regulation 25(1)(c)] applies, the day on which he ought to have provided the signed declaration,

provided that it shall not cease earlier than the day after he last attended in compliance with a [<sup>F155</sup>notification] under regulation 23 [<sup>F156</sup>or 23A].

#### Textual Amendments

- F151** Words in reg. 26(a) substituted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), Sch. 2 para. 5(a)
- F152** Words in reg. 26(a) substituted (7.10.1996) by The Jobseeker's Allowance and Income Support (General) (Amendment) Regulations 1996 (S.I. 1996/1517), regs. 1, 9
- F153** Words in reg. 26(b) substituted (7.10.1996) by The Jobseeker's Allowance (Amendment) Regulations 1996 (S.I. 1996/1516), reg. 1(1), Sch. Pt. 1
- F154** Words in reg. 26(c) substituted (7.10.1996) by The Jobseeker's Allowance (Amendment) Regulations 1996 (S.I. 1996/1516), reg. 1(1), Sch. Pt. 1
- F155** Word in reg. 26 substituted (11.9.2000) by The Jobseeker's Allowance (Amendment) (No. 3) Regulations 2000 (S.I. 2000/2194), regs. 1, 2(5)
- F156** Words in reg. 26 inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), Sch. 2 para. 5(b)

### <sup>F157</sup>Where entitlement is not to cease under regulation 25(1)(c)

27. Entitlement to a jobseeker's allowance is not to cease by virtue of regulation 25(1)(c) if, before the end of the period of five working days beginning with the first working day after the day on which a claimant ("C") failed to provide a signed declaration in accordance with regulation 24(10), C makes contact with an employment officer in the manner set out in a notification under regulation 23 or 23A and shows that C had good cause for the failure.]

#### Textual Amendments

- F157** Regs. 27-27B substituted for reg. 27 (6.4.2010) by The Jobseeker's Allowance (Sanctions for Failure to Attend) Regulations 2010 (S.I. 2010/509), regs. 1(2), 2(4)

### <sup>F157</sup>Circumstances in which an allowance is not to be payable

27A.—(1) A jobseeker's allowance is not to be payable for the period prescribed in regulation 27B if either the first or the second condition is satisfied.

- (2) The first condition is satisfied if a claimant ("C")—
  - (a) fails to attend on the day specified in a relevant notification;



- (b) makes contact with an employment officer in the manner set out in a relevant notification before the end of the period of five working days beginning with the first working day after the day on which C failed to attend on the day specified; and
  - (c) fails to show good cause for that failure to attend.
- (3) The second condition is satisfied if—
- (a) C attends on the day specified in a relevant notification, but fails to attend at the time specified in that notification;
  - (b) the Secretary of State has informed C in writing that a failure to attend, on the next occasion on which C is required to attend, at the time specified in a relevant notification, may result in C's entitlement to a jobseeker's allowance ceasing or the benefit not being payable for a period;
  - (c) C fails to attend at the time specified in a relevant notification on the next occasion;
  - (d) C makes contact with an employment officer in the manner set out in a relevant notification before the end of the period of five working days beginning with the first working day after the day on which C failed to attend at the time specified; and
  - (e) C fails to show good cause for that failure to attend.]

**Textual Amendments**

**F157** Regs. 27-27B substituted for reg. 27 (6.4.2010) by [The Jobseeker's Allowance \(Sanctions for Failure to Attend\) Regulations 2010 \(S.I. 2010/509\)](#), regs. 1(2), **2(4)**

**[<sup>F157</sup> Prescribed period for the purposes of regulation 27A**

- 27B.**—(1) The period prescribed for the purposes of regulation 27A is—
- (a) one week on the first occasion on which a jobseeker's allowance is determined not to be payable to the claimant by virtue of regulation 27A;
  - (b) two weeks on the second and each subsequent occasion during the same jobseeking period on which a jobseeker's allowance is determined not to be payable to the claimant by virtue of regulation 27A.
- (2) The period begins—
- (a) where, in accordance with regulation 26A(1) of the Claims and Payments Regulations, a jobseeker's allowance is paid otherwise than fortnightly in arrears, on the day following the end of the last week in respect of which that allowance was paid; and
  - (b) in any other case, on the first day of the week following the date on which a jobseeker's allowance is determined not to be payable.]

**Textual Amendments**

**F157** Regs. 27-27B substituted for reg. 27 (6.4.2010) by [The Jobseeker's Allowance \(Sanctions for Failure to Attend\) Regulations 2010 \(S.I. 2010/509\)](#), regs. 1(2), **2(4)**

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### **Matters to be taken into account in determining whether a claimant has good cause for failing to comply with a notice under regulation 23**

**28.**—(1) Subject to regulation 30, in determining, for the purposes of regulation [F15827A], whether a claimant has good cause for failing to comply with a [F159relevant notification] the matters which are to be taken into account shall include the following—

- (a) whether the claimant misunderstood the requirement on him due to any learning, language or literacy difficulties of the claimant or any misleading information given to the claimant by an employment officer;
- (b) whether the claimant was attending a medical or dental appointment, or accompanying a person for whom the claimant has caring responsibilities to such an appointment, and whether it would have been unreasonable, in the circumstances, to rearrange the appointment;
- (c) any difficulty with the claimant's normal mode of transport and whether there was any reasonable available alternative;
- (d) the established customs and practices of the religion, if any, to which the claimant belongs;
- (e) whether the claimant was attending an interview for employment.

(2) In this regulation, "employment" means employed earner's employment except in relation to a claimant to whom regulation 20(2) applies and for the duration only of any permitted period determined in his case in accordance with regulation 16, in which case, for the duration of that period, it means employed earner's employment or self-employed earner's employment.

#### **Textual Amendments**

**F158** Word in reg. 28(1) substituted (6.4.2010) by [The Jobseeker's Allowance \(Sanctions for Failure to Attend\) Regulations 2010 \(S.I. 2010/509\)](#), regs. 1(2), **2(5)(a)**

**F159** Words in reg. 28(1) substituted (6.4.2010) by [The Jobseeker's Allowance \(Sanctions for Failure to Attend\) Regulations 2010 \(S.I. 2010/509\)](#), regs. 1(2), **2(5)(b)**

### **Matters to be taken into account in determining whether a claimant has good cause for failing to provide a signed declaration**

**29.** In determining, for the purposes of regulation 27, whether a claimant has good cause for failing to comply with a requirement to provide a signed declaration, as referred to in regulation 24(6), on the day on which he ought to do so the matters which are to be taken into account shall include the following—

- (a) whether there were adverse postal conditions;
- (b) whether the claimant misunderstood the requirement on him due to any learning, language or literacy difficulties of the claimant or any misleading information given to the claimant by an employment officer.

### **Circumstances in which a claimant is to be regarded as having good cause for failing to comply with a [F160notification] under regulation 23 [F161or 23A]**

**30.** For the purposes of regulation [F16227A], a claimant is to be regarded as having good cause for failing to comply with a [F163relevant notification]—

- (a) where, if regulation 5(1)<sup>F164</sup>... [F165(b)] applies in his case, he was required to attend at a time less than 48 hours from receipt by him of the [F160notification];

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- [<sup>F166</sup>(aa) where, if regulation 5(1A) applies in his case, he was required to attend on a date less than 7 days from receipt by him of the notification;]
- (b) where, if regulation 5(2) applies in his case, he was required to attend at a time less than 24 hours from receipt by him of the [<sup>F160</sup>notification];
- (c) where he was, in accordance with regulation 14(1)(a)—(g), (k)—(n), [<sup>F167</sup>(r) to (u) or 14(2) or (2ZA)], treated as available for employment on the day on which he failed to attend;
- (d) where the day on which he failed to attend falls in a week in which he was, in accordance with regulation 19(1)(p) and 19(2), treated as actively seeking employment.

#### Textual Amendments

- F160** Word in reg. 30 substituted (11.9.2000) by [The Jobseeker's Allowance \(Amendment\) \(No. 3\) Regulations 2000 \(S.I. 2000/2194\)](#), regs. 1, **2(5)**
- F161** Words in reg. 30 inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 8**
- F162** Word in reg. 30 substituted (6.4.2010) by [The Jobseeker's Allowance \(Sanctions for Failure to Attend\) Regulations 2010 \(S.I. 2010/509\)](#), regs. 1(2), **2(6)(a)**
- F163** Words in reg. 30 substituted (6.4.2010) by [The Jobseeker's Allowance \(Sanctions for Failure to Attend\) Regulations 2010 \(S.I. 2010/509\)](#), regs. 1(2), **2(6)(b)**
- F164** Words in reg. 30(a) omitted (30.5.2006) by virtue of [The Social Security \(Income Support and Jobseeker's Allowance\) Amendment Regulations 2006 \(S.I. 2006/1402\)](#), regs. 1, **2(5)(a)**
- F165** Word in reg. 30(a) inserted (1.1.2003) by [The Jobseeker's Allowance \(Amendment\) Regulations 2002 \(S.I. 2002/3072\)](#), regs. 1(b), **6**
- F166** Reg. 30(aa) inserted (24.11.2008) by [The Social Security \(Lone Parents and Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/3051\)](#), regs. 1(2), **11(11)(a)** (with reg. 13)
- F167** Words in reg. 30(c) substituted (24.11.2008) by [The Social Security \(Lone Parents and Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/3051\)](#), regs. 1(2), **11(11)(b)** (with reg. 13)

## Chapter V

### Jobseeker's Agreement

#### Contents of Jobseeker's Agreement

**31.** The prescribed requirements for a jobseeker's agreement are that it shall contain the following information—

- (a) the claimant's name;
- (b) where the hours for which the claimant is available for employment are restricted in accordance with regulation 7, the total number of hours for which he is available and any pattern of availability;
- (c) any restrictions on the claimant's availability for employment, including restrictions on the location or type of employment, in accordance with regulations 5, 8, 13<sup>F168</sup>, 13A] and 17;
- (d) a description of the type of employment which the claimant is seeking;
- (e) the action which the claimant will take—
- (i) to seek employment; and
  - (ii) to improve his prospects of finding employment;
- (f) the dates of the start and of the finish of any permitted period in his case for the purposes of sections 6(5) and 7(5);

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- (g) a statement of the claimant's right—
  - (i) to have a proposed jobseeker's agreement referred to [<sup>F169</sup>the Secretary of State];
  - (ii) to seek a [<sup>F170</sup>revision or supersession] of any determination of, or direction given by, [<sup>F169</sup>the Secretary of State]; and
  - (iii) to appeal to a [<sup>F171</sup>an appeal tribunal] against any determination of, or direction given by, [<sup>F169</sup>the Secretary of State][<sup>F172</sup>following a revision or supersession ].
- (h) the date of the agreement.

#### Textual Amendments

- F168** Word in reg. 31(c) inserted (26.4.2010) by *The Jobseeker's Allowance (Lone Parents) (Availability for Work) Regulations 2010 (S.I. 2010/837)*, regs. 1(2), **2(11)**
- F169** Words in reg. 31(g) substituted (18.10.1999) by *The Social Security Act 1998 (Commencement No. 11, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2860)*, art. 3(1), **Sch. 12 para. 2**
- F170** Words in reg. 31(g)(ii) substituted (18.10.1999) by *The Social Security Act 1998 (Commencement No. 11, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2860)*, art. 3(1), **Sch. 12 para. 1(a)**
- F171** Words in reg. 31(g)(iii) substituted (18.10.1999) by *The Social Security Act 1998 (Commencement No. 11, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2860)*, art. 3(1), **Sch. 12 para. 1(b)(i)**
- F172** Words in reg. 31(g)(iii) substituted (18.10.1999) by *The Social Security Act 1998 (Commencement No. 11, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2860)*, art. 3(1), **Sch. 12 para. 1(b)(ii)**

#### Back-dating of a Jobseeker's Agreement <sup>F173</sup> ...

**32.** In giving a direction under section 9(7)(c), [<sup>F174</sup>the Secretary of State] shall take into account all relevant matters including—

- (a) where the claimant refused to accept the agreement proposed by the employment officer, whether he was reasonable in so refusing;
- (b) where the claimant has signified to the employment officer or to [<sup>F174</sup>the Secretary of State] that the claimant is prepared to accept an agreement which differs from the agreement proposed by the employment officer, whether the terms of the agreement which he is prepared to accept are reasonable;
- (c) where the claimant has signified to the employment officer or to [<sup>F174</sup>the Secretary of State] that the claimant is prepared to accept the agreement proposed by the employment officer, that fact;
- (d) the date on which, in all the circumstances, he considers that the claimant was first prepared to enter into an agreement which [<sup>F174</sup>the Secretary of State] considers reasonable; and
- (e) where the date on which the claimant first had an opportunity to sign a jobseeker's agreement was later than the date on which he made a claim, that fact.

#### Textual Amendments

- F173** Words in reg. 32 heading omitted (18.10.1999) by virtue of [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), art. 3(1), [Sch. 12 para. 3](#)
- F174** Words in reg. 32 substituted (18.10.1999) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), art. 3(1), [Sch. 12 para. 2](#)

### Notification of Determinations and Directions under Section 9

- 33.** The claimant shall be notified of—
- (a) any determination of [<sup>F175</sup>the Secretary of State] under section 9;
  - (b) any direction given by [<sup>F175</sup>the Secretary of State] under section 9.

#### Textual Amendments

- F175** Words in reg. 33 substituted (18.10.1999) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), art. 3(1), [Sch. 12 para. 2](#)

### Jobseeker's Agreement treated as having been made

- 34.** A claimant is to be treated as having satisfied the condition mentioned in section 1(2)(b)—
- (a) where he is permitted to make a claim for a jobseeker's allowance without attending at an office of the [<sup>F176</sup>Department for Work and Pensions], for the period beginning with the date of claim and ending on the date on which he has an interview with an employment officer for the purpose of drawing up a jobseeker's agreement;
  - (b) where, after the date of claim, the claim is terminated before he has an interview with an employment officer for the purpose of drawing up a jobseeker's agreement;
  - (c) as long as he is treated as available for employment in accordance with regulation 14 where the circumstances set out in that regulation arise after the date of claim and before he has an interview with an employment officer for the purpose of drawing up a jobseeker's agreement;
  - (d) as long as there are circumstances not peculiar to the claimant which make impracticable or unduly difficult the normal operation of the provisions governing, or the practice relating to, the claiming, awarding or payment of jobseeker's allowance.
- [<sup>F177</sup>(e) where the claimant was in receipt of a training allowance and was, in accordance with regulation 170, entitled to an income-based jobseeker's allowance without being available for employment, having entered into a jobseeker's agreement or actively seeking employment, for the period beginning with the date on which regulation 170 ceased to apply to him and ending on the date on which he has an interview with an employment officer for the purpose of drawing up a jobseeker's agreement.]
- [<sup>F178</sup>(f) if he is temporarily absent from Great Britain in the circumstances prescribed in regulation 50(6B)(a) or (c), for the period of any such temporary absence.]

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#### Textual Amendments

- F176** Words in reg. 34(a) substituted (27.6.2002) by [The Secretaries of State for Education and Skills and for Work and Pensions Order 2002 \(S.I. 2002/1397\)](#), art. 1(2), **Sch. para. 26**
- F177** Reg. 34(e) inserted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), **regs. 1(1), 3**
- F178** Reg. 34(f) added (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 9**

#### Automatic Back-dating of Jobseeker's Agreement

**35.** Where a jobseeker's agreement is signed on a date later than the date of claim and there is no reference of that agreement to [<sup>F179</sup>the Secretary of State] under section 9(6), the agreement shall be treated as having effect on the date of claim.

#### Textual Amendments

- F179** Words in reg. 35 substituted (18.10.1999) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), art. 3(1), **Sch. 12 para. 2**

#### Jobseeker's Agreement to remain in effect

**36.** A jobseeker's agreement entered into by a claimant shall not cease to have effect on the coming to an end of an award of a jobseeker's allowance made to him—

- (a) where a further claim for a jobseeker's allowance is made within a period not exceeding 14 days; or
- [<sup>F180</sup>(b) in respect of any part of a period of suspension, where—
- (i) the Secretary of State has directed under regulation 37(1A) of the Claims and Payments Regulations that payment under an award be suspended for a definite or indefinite period on the ground that a question arises whether the conditions for entitlement to that allowance are or were fulfilled or the award ought to be revised,
  - (ii) subsequently that suspension expires or is cancelled in respect of a part only of the period for which it has been in force, and
  - (iii) it is then determined that the award should be revised to the effect that there was no entitlement to the allowance in respect of all or any part of the period between the start of the period over which the award has been suspended and the date when the suspension expires or is cancelled; or]
- (c) for as long as the claimant satisfies the conditions of entitlement to national insurance credits, other than any condition relating to the existence of a jobseeker's agreement, in accordance with the Social Security (Credits) Regulations 1975<sup>F181</sup>.

#### Textual Amendments

- F180** Reg. 36(b) substituted (7.10.1996) by [The Jobseeker's Allowance and Income Support \(General\) \(Amendment\) Regulations 1996 \(S.I. 1996/1517\)](#), **regs. 1, 10**

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**F181** [S.I. 1975/556](#); relevant amending instruments are [S.I. 1976/1736](#); 1977/788; 1978/409; 1981/1501; 1982/96; 1983/197; 1987/414; 1987/687; 1988/516; 1988/1545; 1989/1627; 1992/726; 1994/1837 and 1995/829.

### Variation of Jobseeker's Agreement

**37.** The prescribed manner for varying a jobseeker's agreement shall be in writing and signed by both parties in accordance with section 10(2) on the proposal of the claimant or the employment officer.

### Direction to vary Agreement: time for compliance

**38.** The prescribed period for the purposes of section 10(6)(c) shall be the period of 21 days beginning with the date on which the direction was issued.

### Variation of Agreement: matters to be taken into account

**39.** In giving a direction under section 10(6)(b) or (d) [<sup>F182</sup>the Secretary of State] shall take into account the preference of the claimant if he considers that both the claimant's proposals and those of the employment officer satisfy the requirements of section 10(5).

#### Textual Amendments

**F182** Words in reg. 39 substituted (18.10.1999) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), art. 3(1), [Sch. 12 para. 2](#)

### Notification of Determinations and Directions under Section 10

**40.** The claimant shall be notified of—

- (a) any determination of [<sup>F183</sup>the Secretary of State] under section 10;
- (b) any direction of [<sup>F183</sup>the Secretary of State] under section 10.

#### Textual Amendments

**F183** Words in reg. 40 substituted (18.10.1999) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), art. 3(1), [Sch. 12 para. 2](#)

### Procedure for Reviews

<sup>F184</sup>**41.** .....

#### Textual Amendments

**F184** Regs. 41-45 revoked (18.10.1999) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), art. 3(1), [Sch. 12 para. 4](#)

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## Appeals to Social Security Appeal Tribunal

<sup>F184</sup>42. ....

### Textual Amendments

**F184** Regs. 41-45 revoked (18.10.1999) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), art. 3(1), **Sch. 12 para. 4**

## Direction of Social Security Appeal Tribunal: time limit for compliance

<sup>F184</sup>43. ....

### Textual Amendments

**F184** Regs. 41-45 revoked (18.10.1999) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), art. 3(1), **Sch. 12 para. 4**

## Appeals to the Commissioner

<sup>F184</sup>44. ....

### Textual Amendments

**F184** Regs. 41-45 revoked (18.10.1999) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), art. 3(1), **Sch. 12 para. 4**

## Appropriate person

<sup>F184</sup>45. ....

### Textual Amendments

**F184** Regs. 41-45 revoked (18.10.1999) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), art. 3(1), **Sch. 12 para. 4**



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